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April 1992
Number 22

FIRST THINGS

A Monthly Journal of Religion and Public Life

School Choice as Simple Justice
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What Should We Do About the Poor?
The Editors

Teach Me: A Catholic *Cri de Coeur*
Nancy W. Yos

The End of Canadian History?
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Opinions and Reviews: The Church & Politics, Once Again
Ben F. Meyer on Paul de Man • Bernard N. Nathanson on C. Everett Koop • David Horowitz on Utopian Passions
Hairy Men and Smooth Men • George Weigel
Robert J. O'Connell • John H. Chettle • Robert A. Sirico

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Robert A. Destro / Raul F. Yanes & Mary Ann Glendon / W. Cole Durham, Jr.,
Edward McGlynn Gaffney, Douglas Laycock, & Michael W. McConnell

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Richard John Neuhaus
The Public Square
A Continuing Survey of Religion and Public Life

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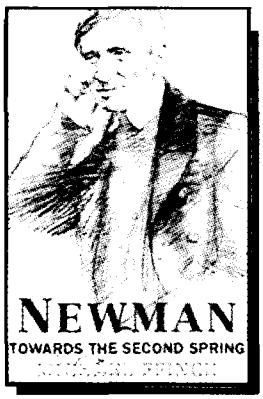
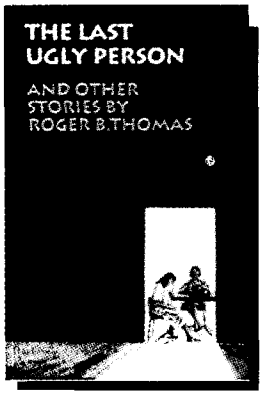
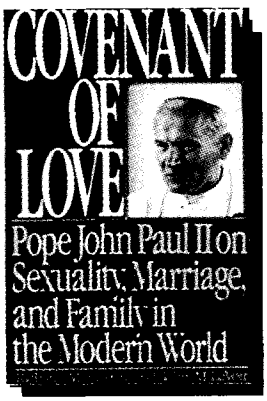
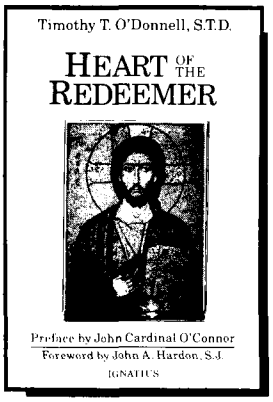
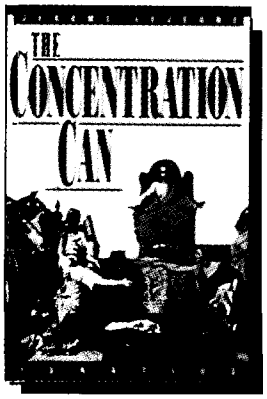
NEW SPRING BOOKS FROM IGNATIUS

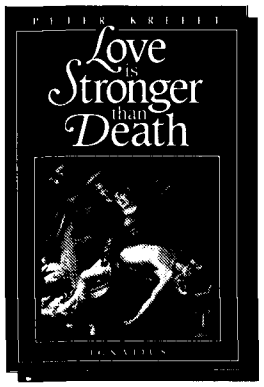


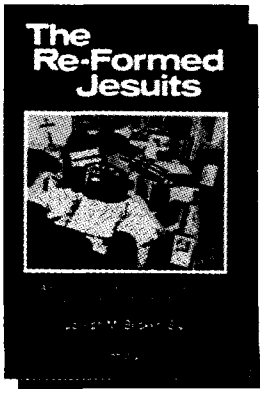












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A Monthly Journal of Religion and Public Life

APRIL 1992 • ISSUE 22

CORRESPONDENCE 2 *Richard P. McBrien, Richard John Neuhaus, Daniel Burston, Marjorie Rosenberg, Thomas W. Draper, Gordon A. Selbo, John F. Maguire, Roy R. Barkley*

EDITORIAL 6 What Should We Do About the Poor?

OPINION 10 *David Horowitz* Utopian Passions, *Charles L. Glenn* Hairy Men and Smooth Men, *George Weigel* A Roman Cautionary Tale

ARTICLES 15 *John E. Coons* School Choice and Simple Justice

23 *Nancy W. Yos* Teach Me: A Catholic *Cri de Coeur*

29 *Mark A. Noll* The End of Canadian History?

37 How To Restore Religious Freedom: A Debate *Mark E. Chopko; James Bopp, Jr. & Richard E. Coleson; William Bentley Ball; Robert A. Destro; Raul Yanes & Mary Ann Glendon; W. Cole Durham, Jr., Edward McGlynn Gaffney, Douglas Laycock, & Michael W. McConnell*

REVIEW ESSAY 52 *Ben F. Meyer* The Question of the Sign

BOOKS 57 *Bernard N. Nathanson* Koop: The Memoirs of America's Family Doctor by C. Everett Koop; *Robert J. O'Connell* Augustine: Confessions, translated by Henry Chadwick; *John H. Chettle* A Democratic South Africa by Donald L. Horowitz; *Robert A. Sirico* Heaven on Earth: The Theological Meaning of Economics by Robert H. Nelson; Briefly Noted

THE PUBLIC SQUARE 70 A Continuing Survey of Religion and Public Life by *Richard John Neuhaus*
This Month: The Church & Politics, Once Again, etc.

Poetry by *Ellie Shumaker* (5), *Helen Hull Hitchcock* (22), *Elizabeth Duran* (56)

Editor-in-Chief: *Richard John Neuhaus*
Editor: *James Nuechterlein*
Managing Editor: *Matthew Berke*
Poetry Editor: *Nathan A. Scott, Jr.*
Publisher: *Institute on Religion and Public Life*
Publishing Services: *Publishing Management Associates*

First Things A Monthly Journal of Religion and Public Life (ISSN #1047-5141) is published monthly (except for combined issues June/July and August/September) for $24 per year by The Institute on Religion and Public Life, 156 Fifth Avenue, Suite 400, New York, NY 10010. Second class postage paid at New York, NY and additional mailing office. POSTMASTER: Send address changes to First Things, P.O. Box 3000, Dept. FT, Denville, NJ 07834. **Editorial Offices:** The Institute on Religion and Public Life, 156 Fifth Avenue, Suite 400, New York, NY 10010. **Editorial Phone:** (212) 627-1985. **Advertising Offices:** 129 Phelps Avenue, Suite 312, Rockford, IL 61108. **Advertising Phone:** (815) 398-8569. **Subscription Department:** P.O. Box 3000, Dept. FT, Denville, NJ 07834. Unsolicited material cannot be returned unless accompanied by sufficient return postage. Newsstand distribution by Eastern News Distributors, Inc., 1130 Cleveland Rd., Sandusky, OH 44870.

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FIRST THINGS is published by Religion and Public Life, an interreligious, nonpartisan research and education institute whose purpose is to advance a religiously informed public philosophy for the ordering of society. RPL also sponsors scholars conferences, consultations, research projects, public educational events, and a fellows program.

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Accuracy in Media?

Among the first things that FIRST THINGS is surely committed to are accuracy and fairness. Richard John Neuhaus' references to my September keynote address at the Future of the American Church Conference in Washington, D.C. (The Public Square, January) fail on both counts.

It is evident that he did not have the full text of my speech at hand, but was probably relying on Thomas McArdle's report in the *National Catholic Register* (October 6, 1991). Even at that, he confused the clear distinction found in the *Register* story between what I had said in the speech and remarks attributed to me at a subsequent press conference.

If he had read the text of the speech before rushing to judgment, he would have known that I was citing, unfavorably, "one Catholic editor" who had made reference to "the party of change" in the Catholic Church. It was that editor, not I, who proposed the list of that "party's" components. If there was any "bizarre hyperbole" at work there, it was the editor's, not mine.

Secondly, neither in the keynote address nor in the press conference did I include Pope John Paul II among "the enemies of change." Indeed, I never used the word "enemies" with reference to anyone in the Church, including Cardinal Ratzinger.

Thirdly, I deny that I "hinted" that Cardinal Ratzinger as a teenager was a member of the Hitler Youth. The reference in the original *Register* story was taken out of context, and Neuhaus compounded the problem by not even quoting the *Register* accurately. At least the *Register* acknowledged that it wasn't quoting everything I said at that point: "Was he [Cardinal Ratzinger] in the Hitler Youth? . . . Some suggest he was." Neuhaus conveniently dropped the dots.

Had I engaged in "leftist smear tactics," as he accuses me of doing, it's odd that none of the journalists present challenged me on the point or took note of the reference to Cardinal Ratzinger in their own reports. Perhaps the writer for the ultra-conservative *Register* had a polemical intent. Or don't "rightists" ever engage in "smear tactics"?

Richard P. McBrien
University of Notre Dame

Richard John Neuhaus replies:

Father McBrien is right in thinking that my comment was based on the account in the *National Catholic Register*, an eminently respectable source. I still do not know what else Father McBrien said, but I take it that the remarks suggested by the omitted ellipses modified the harsh judgments reported by the *Register*. I hope that is the case. As to why other journalists did not challenge Father McBrien, I suppose that is a question to be put to the other journalists.

Freud on the Mind

I read Marjorie Rosenberg's article "The Mindless Self: Freud Triumphant" (December 1991) with a mixture of great pleasure and mild irritation. To begin with, I was deeply gratified with her eloquent critique of Freud's Lamarckianism, of his profound phallocentrism, and above all, of his stubborn refusal to confront death as a problem in human existence and as a wellspring of unconscious psychic activity. All in all, I find myself in profound agreement with Rosenberg's rejection of Freud's Oedipal monism, which was often a gigantic *evasion* of other, more profound existential issues. Here I could only add that these criticisms were also voiced decades ago by Erich Fromm, who preceded revisionists like Norman O. Brown and Ernest Becker, and whose ideas I discuss in my recent book *The Legacy of Erich Fromm* (Harvard University Press, 1991).

At the same time, without wishing to minimize Freud's influence, I think it may be excessive to blame him, or any one thinker, for all the evils of modernity. Moreover, it is profoundly misleading to suggest that Freud would have put newspa-

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pers, pulp fiction, and rock video in the same cultural category as a solid case history or good imaginative fiction, or endorsed the curricular changes that are being urged upon us on the basis of their supposed equivalence(s). As a cultural and intellectual historian, I can assure you that Freud was a cultural conservative who made no secret of his antagonism to radical causes, and would have angrily opposed those who subverted his ideas for these ends.

Taking a cue from Fromm, I am also a bit dismayed by Rosenberg's need to represent Freud as an enemy of reason. Freud was a Feuerbachian, and follower of the Enlightenment, and his exaggerated antipathy to religious ideas and feelings and his tendency to construe them as collective projections stemmed directly from this fact. Nevertheless, as Ernst Cassirer, Paul Tillich, and Thomas Mann all noted, despite strong positivist leanings, Freud was also a metaphysician manqué, and indulged his tendencies in this direction rather lavishly in his instinct theory. Rather than seeing Freud as the originator of so many modern evils, it might be more charitable, and ultimately more useful, to regard his metapsychology as the synthesis or culmination of earlier trends in psychology and metaphysics, including ideas from Spinoza, Leibniz, Herbart, Carus, Spencer, Schopenhauer, Nietzsche, von Hartmann, and Theodor Lipps.

Freud's relationship to reason was profoundly paradoxical. On the one hand, in *Civilization and Its Discontents*, he stressed how helpless we appear in the face of an onslaught from the instincts. But ultimately, like the great Greek philosophers and tragedians, his only remedies for our ills were reason and renunciation, or the mindfully Stoic recognition of necessity (*Logos* and *Anake*). Freud did wax terribly pessimistic at times, and warned against the dangers of intellectualization, but fundamentally, he continued to believe that our only (tenuous) road to the domestication of the instincts and the diffusion of anti-social aggression is through the use of reason, which he identified rather narrowly with scientific/instrumental rationality at most times. (And in this, needless to say, he was arguably quite mistaken.)

Notwithstanding these various reservations, I enjoyed Marjorie Rosenberg's lucid and illuminating article on Freud and look forward to reading more like them.

Daniel Burston
Toronto, Canada

Marjorie Rosenberg replies:
Freud's quintessentially bourgeois personal life, invoked by Mr. Burston as his "cultural conservatism," militates not at all against the intellectual nihilism inherent in Freudian theory. Informing every aspect of psychoanalytic thought is Freud's message that all human communications are worthy of suspicion, a suspicion centered on man's hopeless subservience to his animal nature. All behavior and verbalizations must be decoded, and not by reason, for the revelation of instinctual motivation. Freud's mythic stories, his universal symbols, and his imaginative metaphors for Lamarckian and Darwinian ideas provide the elements of the method. There is no theory of mind, only elaboration of defensive maneuvers carried on by the ego to disguise the workings of the unconscious.

Mr. Burston misquotes me, however, simplifying one brief and undeveloped comment, as though I had asserted that Freud himself would have behaved like some contemporary professors of English and declared the equality of all literary and cultural expression from rock video to imaginative literature. What I said was that "dominant theories of literary criticism, adopting Freud's approach to content as no more than a code to be deciphered," go on to insist on a presumption of such equality. Again, it is the meaning and consequences of the theory, not Freud's own cultural preferences, that I addressed.

My analysis of the Darwinian basis of psychoanalytic theory and its resultant assimilation of human to animal behavior did not require a discussion of the many thinkers Burston names as influences on Freud. What is more important in this context is to recognize that Freud's significance in the twentieth century was achieved through his essentially literary imagination, an imagination that absorbed the scientific and philosophical theories of his time and translated them—incorporating his own angry misanthropy—into highly dramatic psychological analogues to nineteenth-century evolutionary biology.

The Christian Academy

Thank you for David Lutz's article on the peril facing Notre Dame ("Can Notre Dame Be Saved?" Jan-

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uary). The question—why universities that aspire to be true to their religious heritage have to constantly choose between faithful ties and academic excellence—is key. The profitable exploration of this question goes far beyond discussions of the relevancy of secular definitions of excellence. Both the religious and the secular are evolving and there is no safe retreat in either case. Salvation is in the tension between the two and in thoughtful discussion that modifies both. (The thoughtful discussion that modifies faith is not the attempt to discover the divine by consensus that Lutz fears, but rather a calling to mind of necessary preparation for the next step of faith.)

It should come as no surprise that this disquieting and profitable discussion is best championed at institutions of higher learning that pursue both the best of Athens and the best of Jerusalem. Failure as a university comes by not taking one side or the other seriously. For example, the educational institutions of the religious right often fail by hiding from observation and thought in a pusillanimous cloak of doctrinaire balderdash. On the other hand, secular institutions often fail by their seemingly insatiable need to convert every stirring of faith into some sort of sociology that can be extracted and studied but never believed.

The glory of institutions like Notre Dame is that they can fail, but have not yet. Both secular and doctrinaire observers are correct in characterizing such institutions as lingering in peril. However, such observers err in offering their own remedies for salvation. What appears a brink to both types of observers, viewing from different directions, is in reality a crest upon which such institutions are balanced. The attempt to use strong measures to push an institution away from the fault one does see is often a destabilizing move that tumbles the institution into the fault one doesn't see. The precipice is two-sided and sliding down either renders the institution trivial and redundant.

Thomas W. Draper
Brigham Young University
Salt Lake City, UT

Your recent articles on the state of church colleges from both a historic and contemporary perspective have interested me.

I share the same concern for our Lutheran colleges. Some are already only marginally "church-related" and others have experienced a steady erosion of a once-strong Christian character and impact.

David Lutz writes forcefully of "platitudes about values" apart from (or replacing) Christian content. It reminds me of an ad that appeared some months ago in *The Lutheran*, sponsored by the Division for Education of the Evangelical Lutheran Church in America, which stated that ELCA colleges emphasize "values education without indoctrination." One hopes this was only a bad choice of words.

If to indoctrinate is to teach or instruct in the basics of a branch of learning (as Webster says), it's obvious that a college exists for that very purpose. We need to relearn that indoctrination is not a dirty word. It is in fact the mandate for both church and school. Why are we afraid of it? . . .

Secularization is always difficult to resist. And Lutz is probably correct in saying that when a Christian university is lost, it is irretrievably lost. That's sad—for church and society.

Gordon A. Selbo
San Jose, CA

Law and Grace

I agree with Carl Braaten that there is no contradiction between biblical revelation and "natural law" ethics ("Protestants and Natural Law," January), but I see an equivocation in his claim that the natural law possesses "no theological significance in the sense of providing a basis of human salvation."

Braaten is right if he means only that salvation does not have a direct relationship to materially "right" behavior; he is right if he means only that the material rightness of behavior is not yet the moral goodness of man as person in grace.

But Braaten has an entirely different thesis in mind. He proposes to confine the natural law within the limits of a functional anthropology, where it is allowed a role to play in man's relation to man (for "the interim between the first and final advent of Christ") but—unfortunately—no salvific role to play in man's relation to God. In peculiar contrast to Karl Barth's totally negative verdict on the natural law, Braaten announces a split verdict, assuring us that "the negative verdict on the natural law in the vertical dimension need not entail a corresponding negative verdict on the horizontal line."

In my opinion, both the totally negative verdict and the split verdict should be overturned. Both verdicts participate in the same mistake. To reject the salvific significance of the natural law in human history, with Braaten—just as to reject the natural law in the name of "the ethics of faith," with Barth—is to fail to understand that the *recta ratio* of the natural law (the right judgment of moral reason) is based more deeply in Jesus Christ than in the *ratio* itself. Braaten simply repeats the error of Barth in milder form.

In becoming man, the Son incorporates *recta ratio* (natural law) in himself. In so doing, he reveals to moral reason its own full dimensions. In no way does Revelation exclude the exercise of reason in history as somehow nonsalvific; to the contrary. The truths of moral reason, taken up by Christ, are necessary for salvation *per se*.

Braaten is right that Christ is salvation, not the natural law, but wrong to set the natural law "within theological brackets" as a functional rather than theological necessity. He defends this reduction in the name of the *sola gratia* of evangelical theology. In reply, I would stress that the expression *sola gratia* does not imply that God operates alone. The "merit" involved in the struggle to translate right reason into moral

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practice is itself a grace, and in no sense competes with *sola gratia.*

John F. Maguire
Natural Law Jurisprudence Center
Richmond, CA

I want to express my thanks to Carl E. Braaten for his fine article.... It taught me a lot and raised my ecumenical hopes.

As I made my long, circuitous journey from Protestant fundamentalism through agnosticism and Anglicanism to the Catholic Church, one of my most cherished acquisitions was a gradual new understanding of how creation really does "declare the glory of God." Previously, I had thought of God's law as a thing divorced from human experience—an arbitrary law that bore only arbitrary relations to the world we live in; a law designed only to prove our obedience.

What is lost with the rejection of natural law morality is the connection between actions and consequences. Catholic natural law theory taught me that this connection exists *in nature,* and that to ignore it is to hurt oneself. For example: as Catholic couples have accepted the use of unnatural methods of family planning, the divorce rate among them has soared with that of the population at large. Why? Because they have rejected as an arbitrary rule the Church's teaching on artificial contraception, rather than seeing that this teaching protects a positive human good, the institution of marriage itself. They thus fail to see the relation between the moral law and a life in which this good is developed.

Furthermore, unless we reassert the connection in nature between morality and consequences, we can never effectively combat our biggest societal problems. For example, if an addict is unable to see that life without drugs is *really better right now* than life in a perpetual state of intoxication, he cannot recover. Recovery brings a growth in real human goods—individual, familial, societal. It is by nature inseparable from those goods. Without understanding that this connection is real, one cannot argue effectively against self-destruction through drug use....

Incidentally, First Things is the best new periodical I've seen in years.

Roy R. Barkley
Permanent Deacon
Diocese of Austin, TX

Feast

This feast of a day on the river
  is heavily salted with gulls,
And the leaf-pared birch on the shoreline
  is lightly peppered with crows,
And from dawn's appetizer
  to the entree of noon,
  to the lingering sweetness
  of twilight's dessert,
All is perfectly seasoned,
  everything, everywhere,
  perfectly seasoned with sun.

Ellie Shumaker

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FIRST THINGS
APRIL 1992

What Should We Do About the Poor?

Some will protest that the question posed by that title is outrageously wrongheaded. To ask what we should do about the poor, they say, smacks of paternalism and noblesse oblige, reflecting a hierarchical mentality in which the world is divided between "us" and "them." Rather, they would instruct us, we should speak of "standing in solidarity with the poor." The question is not what we should do for or about the poor; the question is whether we "identify" with the poor who are the victims of injustice perpetrated by those of us who are not poor. People who are given to such jargon simultaneously, and somewhat contradictorily, never relent in dramatizing the "needs" of the poor and berating the nonpoor for their lack of "compassion." Pointing out needs, on the one hand, and the need to respond to such needs with compassion, on the other, does sound an awful lot like, well, charity. Which is fine by us, since charity is but another word for love, and virtue does not come more golden than that.

Also from the other end of the political spectrum we are told that our question is wrong. There it is said that the real question is, What *can* we do about the poor? According to many conservatives, the answer is: little or nothing. It is pointed out that a bloated and bureaucratic welfare system, on which government at all levels is now spending an unprecedented $184 billion per year, has only exacerbated the problems of poverty. Not only are more people classified as "poor" than ever before, but the underclass, composed largely of blacks and Hispanics, is locked into an intergenerational pattern of "dependency" that makes it almost certain that millions of people will never become self-supporting and law-abiding citizens.

That, in broad strokes, is the great divide in public discussions of what is to be done about domestic poverty. The divide generally follows the lines of what are described as liberal and conservative dispositions. The liberals are today at a distinct disadvantage in the discussion and increasingly recognize that they are on the defensive. The equation between compassion and increased government expenditure is increasingly unpersuasive. Despite complaints about "cutbacks" during the Reagan and Bush years, welfare budgets have in fact grown and grown during the same time that—and this by liberal accounts—poverty has gotten worse and worse. It now seems obvious to most Americans that "throwing money" at the problem of poverty is not the answer.

If the conventional liberal solutions are bankrupt, we must view with some anxiety alternative answers that are being proposed. One alternative is that we should recognize that the entire kit and caboodle of welfare policies and "war on poverty" programs is misconceived. Every compensation for an economic disadvantage, it is argued, creates an incentive for people to become or remain disadvantaged. In this view, people will only take responsibility for their welfare if they know that nobody else will. Some conservatives pride themselves on boldly biting the bullet when they call for the shock therapy of cutting off welfare benefits altogether. This is sometimes called the "cold turkey" answer to the welfare mess. It has the modest virtue of being simple and dramatic, but we expect it is not politically viable in our culture, and a good thing, too. The moral sensibilities of Americans are, however confusedly, formed by a biblical teaching that is very much concerned about—some would say obsessed by—the plight of the poor. The call to be compassionate is not an invention of contemporary liberalism.

We hear a great deal about how Americans are suffering from "compassion fatigue." That is why, we are told, the Democratic presidential candidates are pitching to the middle class and avoiding the party's traditional themes of helping the disadvantaged. On the left of the party—that is, to the extreme left of the political mainstream of which the national party has in recent decades been the far left—such candidates

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are accused of selling out the principles of liberalism. The more likely explanation is that some Democrats have decided to run to win for a change, and they recognize that the middle class is where the votes are, since most Americans (including many who are designated as poor) think of themselves as middle class. In addition, some Democrats have come to share the near-universal perception that measuring compassion by the appropriation of tax dollars is a truly dumb idea whose time came and went long ago. On questions of domestic poverty, resistance to liberal bromides may be an indicator not of diminished caring but of increased understanding. Americans are suffering not from compassion fatigue but from what might be termed mendacity fatigue.

Americans more and more realize that they have, over many years, been lied to about poverty, and they don't like it one bit. They have had enough and they are not going to take it anymore. In the last thirty years, literally trillions of tax dollars have been spent on "helping the poor," with the result, they are told, that there are more poor people than ever and they are worse off than ever. Not only that: crime is running amok, abortion and out-of-wedlock births skyrocket, parasitic urban males are permanently at war with the culture by age fifteen, and city school systems seem incapable of delivering anything but multicultural trashings of societal values, and condoms. Meanwhile, those who are aptly called the povertycrats in charge of this human shambles demand billions of dollars more in the name of compassion. It is little wonder that, in our political vocabulary, compassion is becoming a dirty word. When voters hear a politician mention compassion, they reach for their pocket books—not to give but to make sure they are still there.

Perennial alarums are raised about the dangers of a popular "backlash" against the poor, and against poor blacks in particular. Those who sound that tocsin usually accompany it with the demand that more money be devoted to poverty—the bulk of it for the expansion of the bureaucracies of the poverty industry, with just enough going to poor people to keep them in the agitated discontent to which they have become accustomed, destroying their neighborhoods rather than ours. While warnings about a backlash have typically been exaggerated, the time has come to take such warnings more seriously. In the absence of greater candor and of more credible remedies, many Americans are fed up with the question of poverty, and therefore fed up with hearing about poor people. At least they are fed up with hearing about them from politicians, and may be in a mood to give a hearing to very different politicians who tell them that they are right to be indifferent, or worse, to the poor. The prospect that this mood might spread is fraught with ugliness, and not least racial ugliness.

Popular fatigue is intensified by recklessly inflated statements about the dimensions of poverty in America. Sensible people refrain from taking on unmanageable problems. Although they do not quite put it that way, the message of the povertycrats is that the problem of poverty is unmanageable. What else are people to make of the claim that during a decade of stunning prosperity (despite the recent recession) there was an alarming increase in the number of Americans classified as poor? One thing people might make of it is to more closely examine the claim. That is precisely what is done in a recent and much-discussed study by the Heritage Foundation.

According to the Census Bureau, over thirty million Americans are living in poverty. That figure is larger than in the 1960s when the war on poverty was launched, and this despite the fact that welfare spending, adjusting for inflation, rose throughout the 1970s and 1980s to its present all-time high. The official poverty line is a cash income of $12,675 for a family of four or $10,419 for a family of three. Those below that line are classified as poor. But who are these "poor" people? The appeal for compassion is accompanied by images of people living in cardboard boxes, of children with hunger-distended bellies, bony ribs, and sunken eyes in this, the land of plenty. There are such people, to be sure. Many too many of them. But nowhere near thirty million or even three million of them.

Consider but a few items culled from the Heritage study. Thirty-eight percent of persons classified as poor own their own homes. The median value of these homes is $39,200, or 58 percent of the median value of all homes owned by Americans. Nearly half a million "poor" persons own homes worth over $100,000, and 36,000 "poor" persons own homes worth over $300,000. Sixty-two percent of "poor" households own a car, and 14 percent own two or more cars. Nearly half of all "poor" households have air conditioning, and 31 percent have microwave ovens. Poor people on average consume the same level of vitamins, minerals, and protein as do middle-class folk, and poor children actually eat more meat and protein than do their middle-class peers. Poor adults are more likely to be overweight than those in the middle class.

Keep in mind that poverty is defined by reported cash income. That does not include income from what is politely called the informal economy. Moreover, the government's own data show that low-income households spend $1.94 for every one dollar of income reported. That is because the official poverty definition does not include non-cash, in-kind assistance such as food stamps, housing subsidies, and Medicaid. If all welfare benefits are included, the government is spending over $11,120 on every "poor" family in America. The claim that there are more than thirty million Americans "living in poverty" only intensifies the distrust that is corrupting our public life and distracting attention from the very real problem of poverty in this country.

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Numerous government reports make clear that most "poor" Americans today are better housed, better fed, and own more personal property than average U.S. citizens throughout most of this century. After adjusting for inflation, the per capita expenditures of the lowest-income one-fifth of the U.S. population today exceed the per capita income of the median American household in 1955. The average "poor" American lives in a larger house or apartment, eats far more meat, and is more likely to have a car and dishwasher than is the average West European. Such "poor" people are poor in the sense that they are less affluent than other Americans, but they are not poor in any way that constitutes a national crisis or moral outrage. And of course most poor people do not remain poor. If we accept the government definition of poverty and make the appropriate adjustments for inflation, the majority of Americans over forty years old today once "lived in poverty." The great majority of Americans do not believe that, which is one reason for mendacity fatigue.

Chicago Tribune columnist Mike Royko has been looking at the data and he reports this exchange with a fictional barroom interlocutor who is not impressed by all the talk about rampant poverty in America:

> "You are as lacking in compassion as the Heritage Foundation."
>
> "No, I ain't. Just the opposite. This stuff about all the millions of poor people makes me proud to be an American."
>
> "You are proud that we have millions of poor in this country? How revolting."
>
> "No, look at it this way. If I had told my old man: 'Pa, when I grow up, I'm gonna have a little house, one or two cars, air conditioning, a space-age microwave oven, a TV, and spend two bucks for every buck that comes in,' he would have said: 'Only in America.' "
>
> "Yes, but what would he have said if you told him that despite these possessions, you were still classified as poor?"
>
> "He would have said: 'Go for it, Kid.' "

Of course Mr. Royko is being frightfully incorrect. We all know that poverty is no laughing matter. It really is not, once we cut through the mendacity and get to the real crisis of poverty in America. The real crisis is related less to income than to behavior, less to economics than to culture. The real crisis is the underclass, a mainly urban and still growing population of those who are "radically isolated" (William Julius Wilson) from the mainstream of American patterns of opportunity and responsibility. For them, the status quo of the welfare system is much more the problem than the solution. Not only the work habits but the most elementary patterns of family and child-rearing have been debased to the point of destruction.

In the 1950s, nearly one-third of poor families were headed by adults who worked full time throughout the year. That figure today is 16 percent. Even using the Census Bureau's skewed definition of poverty, only 5.6 percent of married-couple families are today "living in poverty." In 1959, 28 percent of poor families with children were headed by women. Today, over 60 percent of poor families with children are headed by single mothers. In the 1960s, as the war on poverty was getting underway, the black illegitimate birth rate was 25 percent. Today, nearly two out of three black children are born out of wedlock. In the bottom third of the black population, concentrated in our inner cities, over 80 percent of the children are born without a father who accepts responsibility for their existence. Not knowing what it is to have a father, most of them will never know what it means to be a father. The current welfare system is a monumentally wrong-headed and expensive subsidizing of the abandonment of male responsibility. This reality—and not mendacious chatter about thirty million Americans being poor—is the real crisis of poverty in our society.

Because the reality of the underclass has to do mainly with culture and patterns of personal behavior, what government can do to help is limited. Policy experts fiddle with incentives and disincentives in the welfare system, and some states are conducting experiments in linking benefits to work and job training. While they are perhaps modest steps in the right direction, these things have been tried before, to little avail. The one thing it would seem that government should be able to do is effective policing of the neighborhoods of the poor. Underclass criminality is overwhelmingly directed against other members of the underclass. To assure to all citizens the safety of their homes and streets is an elementary obligation of government that has not been discharged for decades. But law and order is hardly the whole answer. The cultural and moral efforts required to reconstruct the ethic of work, lawful behavior, and family responsibility in our inner cities lie outside the competence of government. Parental authority and habits of self-reliance must be strengthened, and, for the most part, the only available institutions for taking the lead in these tasks are the churches in these communities.

Black and Hispanic churches may seem like a very weak reed on which to lean, and they are that. But they are usually the only indigenous institutions on the scene. Regrettably, many inner-city clergy are still content to serve as a claque for a superannuated civil rights establishment that knows how to do little more than make demands for additional government funds, accompanied by a now-tiresome apocalyptic shuffle about the fire next time. These are the clergy, of whom Al Sharpton is but the most notorious, who tend to gain the attention of the media. In the last few years, however, there are a growing number of inner-city clergy around the country who are preaching

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a different message. They call upon their people to abandon the delusion of revolutionizing a putatively racist society, and to take moral charge of their own lives and communities.

These clergy and their local churches deserve the supportive attention of national religious organizations, the media, and policy experts. At present, they are not getting that attention. There are no doubt several reasons for that. One reason is that social activists in the churches, as well as news executives, still operate by a mindset formed in the 1960s. According to that mindset, poor folk are supposed to rail against the injustice of society and the rest of us are to respond by feeling guilty and then appease the poor by tossing a few more welfare benefits their way. A certain style of white liberalism is expert at choreographing what are essentially black minstrel shows of fake intimidation, and the Al Sharptons are always ready to play their part. The preachers of self-reliance and moral reconstruction are declared to be "conservative," the ultimate epithet of liberal dismissiveness. In truth, they are the real reformers who are challenging the status quo that is supported by a civil rights establishment and welfare bureaucracy that, some good intentions notwithstanding, encourage the perpetual infantilizing of the inner-city poor.

If the answer to the real crisis of poverty in America is moral reconstruction led by inner-city churches and ancillary institutions, does this mean that the rest of us are let off the hook? The answer is emphatically negative. Policy changes are required to empower poor people to break out of dependency and take charge of their lives. One such change is school choice—a simple demand of justice that will give poor parents and children the same opportunities and responsibilities presently taken for granted by most other Americans who choose their schools, whether by opting out of the government school system or by moving to another community. The school-choice proposal receives regular attention in these pages (see John E. Coons, "School Choice as Simple Justice," p. 15), and we will not belabor the point here. We would only mention that it is one of the very few items on the domestic agenda of "empowerment" about which the Bush Administration evidences a measure of seriousness.

Genuine reform requires a careful rethinking of attitudes and policies across the board. Peter F. Drucker, doyen of business management and public policy, urges that the time has long since come to recognize that "government has proved itself incompetent at solving social problems." The answer, says Drucker, is to look to the voluntary, nonprofit organizations that have a demonstrated ability to meet human needs. The Salvation Army, Alcoholics Anonymous, Catholic Charities, the Samaritans, are among the more than 900,000 nonprofits in the country, most of them close to their communities. Despite fashionable derision of the "thousand points of light," points of light are breaking out all over. Thirty thousand nonprofits, focused on helping those who need help, came into existence in 1990 alone.

Giving the lie to all the talk about compassion fatigue, voluntarism is breaking out all over. There are now some 90 million Americans—one out of every two adults—working as volunteers in nonprofits for an average of three hours a week. Drucker notes that nonprofits have become America's largest "employer." Brian O'Connell, head of the Independent Sector, believes that within ten years two-thirds of American adults, 120 million people, will work as nonprofit volunteers for five hours a week. That would mean a doubling of the hours that people devote to helping others, typically on a one-to-one basis of real support and caring. This leads Peter Drucker to a conclusion that is as compelling as it is vast in its implications: "The nonprofits have the potential to become America's social sector—equal in importance to the public sector of government and the private sector of business." To which we would add that, although generally unrecognized, the voluntary associations are already the *effective* social sector in helping disadvantaged Americans.

Drucker's analysis finds its philosophical and theological counterpart in the teachings of Pope John Paul II. In his recent encyclical, *Centesimus Annus*, the key concept advanced for meeting human needs is "the subjectivity of society." That is to say, the poor and disadvantaged are always to be viewed as subjects, never as objects. The Pope lifts up the importance of "intermediate institutions"—what some social thinkers in this country call the "mediating structures"—of family, church, and voluntary associations as the chief instruments for securing individual and social assistance. He places severe strictures on the role of the state in social welfare—a role that, he says, inevitably leads to bureaucratization, depersonalization, and dependency.

Of course, all such reformist proposals are vehemently resisted by those who have a vested interest in statist control of social programs, and are most vehemently resisted by the unions of those who work for the state. Witness the desperate opposition of the National Education Association and the American Federation of Teachers to school choice. Curiously, even leaders of the nonprofits betray a statist hostility to the concept of the subjectivity of society. A newspaper interviews an official of Catholic Charities who acknowledges that there has been a remarkable upsurge in the number of donations and volunteers for the organization's work with the homeless, drug addicts, and others in need. The monsignor is not happy about this development. "This reflects a failure of government," he says. "In a more just society, these needs would be handled through government programs." The notion that voluntary response to human need is a stopgap measure until the government can be

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persuaded to take over is deeply and tragically entrenched in sectors of our political culture.

Policy changes are possible that can help people to help people take charge of their lives. In education, housing, and other areas, vouchers and tax credits have an enormous potential that has hardly been explored. In addition, if President Bush really believes in his "thousand points of light," says Drucker, he could propose allowing taxpayers to deduct $1.10 for each dollar they give to nonprofits. "This," he says, "would solve the nonprofits' money problems at once." That may be exaggerated, but such a deduction would be a huge help. As it is, the IRS and many states are trying to penalize and curtail donations to nonprofits, and to restrict the tax exemptions essential to voluntary associations. Misguided tax policies, combined with pressure from unionized government workers, threaten to choke off what is truly a remarkable resurgence of American compassion in action.

We have it on the highest authority that the poor will always be with us. Jesus was not recommending passivity or indifference to the plight of those in need. He was stating the simple fact that, in any society and at any time, there will always be a certain number of people who will not be able to make it on their own—who, at least at times, will be in desperate need of help. Most Americans know that, and most Americans care. There is not now, and there probably never has been, a society on earth in which, without coercion, so many people do so much to help their neighbors.

That caring is abused and stifled, however, by the ideologically driven message that thirty million Americans live in poverty, and that the "crisis" is unmanageable absent a vast expansion of government bureaucracy. Caring is abused and stifled by the message that the poor are childlike dependents—objects—who cannot be expected to take charge of their lives. It is abused and stifled by the perverse notion that it counts as "compassion" when a politician votes taxpayer money for welfare programs, but it is pitifully irrelevant "charity" when someone gives five hours a week teaching an inner-city teenager to read so that he or she can get a job.

The American people are not indifferent to the question, "What should we do about the poor?" But they could become indifferent, or worse, if politicians, journalists, policy experts, and preachers continue to discount their commonsensical answers, if we continue to lie to them. There is no compassion fatigue. There is an ominous and growing mendacity fatigue.

Opinion

Utopian Passions

David Horowitz

Workers of the world . . . forgive me.
—Graffiti on a statue of Karl Marx
Moscow, August 1991

The monuments have fallen now; the faces are changed. In the graveyards the martyrs have been rehabilitated, and everywhere the names are restored. In a revolutionary eyeblink, a bloody lifetime has passed into history.

During the climactic hours of the Communist fall, someone—Boris Yeltsin perhaps—observed that it was a pity that Marxists had not triumphed in some smaller country, because "we would not have had to kill so many people to demonstrate that utopia does not work."

What more is there to say?

Nothing, if we could be sure that this was truly the end of it. If we could really close the book on the long, sorry episode of human folly and evil that the socialist experiment has turned out to be. If we could look on this futile tale of human suffering and deprivation as a tragic detour in the march of progress, now safely left behind. But to do so would be to court yet another illusion: that the chronicle of misfortune that makes up the socialist chapter in the human epic was indeed an aberration—the result of mistaken ideas now painfully corrected, rather than passions rooted in the human heart.

In some sense, of course, the entire episode of this failed utopia can reasonably be viewed as a colossal mistake. Few doctrines have been proven so wrong as the socialist doctrine of Karl Marx. None, by the very force of its error, has been the cause of so much human misery and heartbreak. Yet this merely identifies the paradox: How could such error inherit such power? What can account—even now, after the fall—for the continuing presence of Marxist paradigms and socialist values in America's universities and in other institutions of its intellectual culture?

At least a part of the answer lies in the oft-noted affinity of Marxist ideas for much of what is held to be modern and intellectually valuable in the cultural heritage of the West. It is for this reason that—through its entire bloody history—Communism has been able to draw on the support (and count on the forbearance) of many who were not themselves members of the radical faith. Here is a Cold War balance sheet of their service recently drawn by Hilton Kramer:

> It will always be a mark of moral and intellectual dishonor for the West that in this historic and

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> protracted encounter with the adversaries of freedom and democracy so many of our most gifted writers, artists, scientists, and intellectuals were more energetically engaged in opposing our own political institutions and the ideas essential to their survival than in questioning either the lethal political doctrines that were designed to destroy them or the elaborate edifice of cultural mendacity that was spawned by the Communist movement for the express purpose of bringing down the democratic societies of the West.

Now that Communism is buried, the same "progressive" voices are proclaiming that it is not "real socialism" but only a Soviet version that has died, that free market conservatives have not been vindicated by their Cold War victory, that the radical ideals of the socialist left are not implicated by the crimes perpetrated in their name. Although Marxism itself is inevitably in retreat, a rainbow of parallel ideologies has emerged to take its place. The new paradigms are built on gender and race instead of class, but at their core is the same old utopian project: to create a world of perfect equality and human unity. At a moment when the wounds of whole continents lie open and bleeding in the East, in the West the utopian passion is being born again.

Its progress is well illustrated in the recent writings of the philosopher Richard Rorty, one of America's foremost academics and an exponent of pragmatism, the quintessential American philosophy. A philosophic skeptic and political liberal, Rorty's moral support for the radical impulse provides an exemplary case of the way the totalitarian temptation still lives in the heart of the intellectual culture of the West.

As a "postmodernist," Rorty's stance differs from liberalisms past in laying a nihilistic ax to the root of the very values and traditions that make liberal society possible. As a result, his liberal faith—whose sincerity is not in doubt—comes to seem merely sentimental and to provoke suspicions of hypocrisy by friends and enemies alike. One of Rorty's students, New Left professor Cornel West, recently put the question to Rorty directly. How, West asks in *The American Evasion of Philosophy*, can Rorty "kick the philosophical props from under bourgeois capitalist societies and require no change in our cultural practices"? West goes on to condemn Rorty for his "barren" philosophizing and his "fervent vigilance to preserve the prevailing bourgeois way of life in North Atlantic societies."

In his reply to West in *Transition*, Rorty reveals the continuing attraction for American liberals of the prophetic fantasies of the political left. Far from recognizing in an ideologue like West a political enemy, Rorty instead apologizes for his own ineffectuality in promoting the radical agenda: "Unless we pragmatist philosophy professors find some prophets whom we can serve as auxiliaries, we are not of much interest." Apologizing for any vigilance he might be seen to have exerted in defense of bourgeois society, Rorty explains that his concern is "largely a matter of urging that we hang on to constitutional democracy—the only institutional aspect of the 'prevailing bourgeois way of life' about which I get fervent—while patriotically striving to keep social protest alive."

For Rorty, America's constitutional order is only an "aspect" of its existence, without organic relation to other institutions like free markets, private property, and the unpragmatically self-evident truths of a Judeo-Christian tradition. The radical assault on America's foundations is, in the view of Rortian liberalism, a benign surgery, as though it were possible to attack the foundations of bourgeois society without radical consequences for the liberty those foundations have made historically possible. In this way, Rorty can still think of himself as an apostle of American liberalism while embracing a project that is its radical negation.

In the end, Rorty's posture is that of the classic fellow traveller—to will the ends of revolution but not the means. Starting from the premises of universal skepticism and nihilistic doubt, he concludes with hope for the victory of believers of the radical faith:

> Pragmatism in the professorial sense is just a repudiation of the quest for certainty and foundations, which West has described as "the evasion of philosophy." This evasion is socially useful only if teamed up with prophecies—fairly concrete prophecies of a utopian social future.

This social utopia, Rorty had explained a year before the Communist collapse, should be built on radical egalitarian foundations: "Suppose that somewhere, someday, the newly elected government of a large industrialized society decreed that everybody would get the same income, regardless of occupation or disability. . . . That country would become an irresistible example. . . . Sooner or later the world would be changed."

Indeed—as all the suffering of this revolutionary century attests—it would.

Rorty's wish to be "socially useful" is really a form of the religious desire that the modern temper denies and that radical messianisms, like the Marxist faith, come forward to satisfy. This is the common aspiration that creates the popular front between the revolution and its apologetic liberal allies. For the abiding root of the revolutionary impulse lies not in the frailty of the human intellect, but in the weakness of the human heart.

For the left, it is not socialism, but only the language of socialism, that is finally dead. In the universe of postmodern relativists, there is no truth, no lesson that can be derived from this terrible experience, but only competing "stories" of the past and future. To be reborn, the left has only to rename itself in terms that do not carry the memory of insurmountable defeat, to appropriate a "narrative" in which the leftist utopia can still propose itself as a moral "solution."

It is a task already well under way. In a *Los Angeles*

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Times essay appearing one month after the dissolution of Communism in the Soviet Union, Jeffrey C. Alexander, chairman of the Sociology Department at UCLA, joined with a colleague to propose this revised version of the socialist myth: "The grand social narrative of American life is what we might call the Drama of Democracy: a messianic, at times apocalyptic, struggle to secure a world where all people will be free, equal, independent, and without want." In this way the same utopian fantasy that has filled the world with so much treachery and unhappiness in our time is being revived as a patriotic vision.

The conflict that now divides America's political culture is a familiar one. According to the radical myth, new style: "The dramatic tension [in America's social narrative] arises from the struggle to make this 'American Dream' available to everyone." But contrast this with the conservatism of *Federalist* #10, which found solace in the geographical vastness of the new republic because of the obstacles so many factions would pose to a party bent on radical redistribution:

> A rage for paper money, for an abolition of debts, for an equal division of property, or for any other improper or wicked project, will be less apt to pervade the whole body of the Union than a particular member of it, in the same proportion as such a malady is more likely to taint a particular county or district than an entire State.

In the post-Communist era, the dramatic tension of the American narrative differs in name from what it has been until now. But does it differ in substance? Can we not hear in these voices the same discordant agendas that have led to the tragedies of the past: the tension between democracy understood as limited government—the flowering of a diverse and inchoate humanity—and democracy as a total state?

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Hairy Men and Smooth Men

Charles L. Glenn

"My brother Esau is an hairy man, but I am a smooth man," Jacob said. There have been too many "smooth men" in the Episcopal Church over the years who have cared more about avoiding offense than about the truth. Give me Esau any time!

This reflection was inspired by my latest mailing from the Diocese of Massachusetts. Although I've worked as a government official and university professor for nearly twenty-five years, I continue also my even longer career as an unpaid inner-city priest. As an unsolicited extra, I receive regular mailings from the diocese announcing marriage counseling for clergy couples or the scoop on new forms of spirituality.

Bishop David Johnson was thoughtful enough to send us a copy of a letter dated November 12, 1991, from the newly formed Episcopal Synod of America. This group of bishops met in Fresno, California, after the Church's triennial General Convention—when the delegates were notoriously unable to agree upon a resolution calling for bishops and priests to be celibate outside of marriage—to set up a new structure, a missionary diocese as wide as the entire country. They declared their intention to "spread the Gospel in places where the present Episcopal leadership continues to suppress and persecute biblical Christianity."

I must confess that, though reasonably alert to signs of God's coming kingdom, I seldom look for them within my own denomination. Thus I was not aware of the existence of the Synod. Had I known of the bishops' meeting, I might, like the sophisticates of an earlier time, have asked whether any good thing could come out of Fresno. But I would have been wrong: the "hairy men" have found their voice at last.

Proclaiming that "there are two religions in the Episcopal Church," the bishops declared their intention of beginning new congregations and accepting transfers of existing ones from the jurisdiction of local dioceses. They insisted that, although making "no claims to moral perfection or to perfect wisdom," they intended to "do all we can to ensure that an authentic Christian witness and biblical doctrine, morality, and order are maintained among Episcopalians."

Along with the Synod's materials, Bishop Johnson sent us clergy the Presiding Bishop's reply. As a specialist on dysfunctional bureaucracies (after twenty-one years as a state official I now teach educational policy and politics at Boston University), especially those in serious trouble (I am completing a book on the collapse of the Communist educational system in Eastern Europe), I was fascinated to find that the official reaction of the hierarchy was precisely what organizational theory would predict.

"Those persons—lay or clergy—who 'transferred' to a 'missionary diocese,' " the Presiding Bishop wrote, "would put themselves outside the Episcopal Church and Anglican Communion." In short, they would be excommunicated.

One of the signs that a bureaucratic organization is in serious trouble is that its priorities become displaced from carrying out its original function to protecting the symbols, even if they have become largely meaningless, of its authority (as distinct from real *power*). Thus the endless empty rituals of the later Byzantine Empire or of the decayed Chinese Empire as portrayed

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in *The Last Emperor*. Thus also the insistence of American public education on its "exclusive franchise" on legitimacy even though millions of children attend nonpublic schools.

Now consider the Episcopal Church. It has long been unheard of, at least in my part of the country, for a priest or bishop to be rebuked for *anything* he or she might teach, including the most hair-raising forms of New Age mysticism, so long, of course, as it does not violate the norms of political correctness; "heresy" in the sense of incorrect teaching on *religious* matters is quite literally impossible. It appears to be equally impossible, in many dioceses, to go too far in personal irresponsibility or sexual extravagance. We tolerate, indeed we celebrate, every accommodation to the spirit of the age. Preach what you will so long as you are sincere; do what you will, so long as it feels good and is an occasion for displaying "authenticity."

But do not dream of trespassing upon the exclusive franchise granted to each diocesan bureaucracy in its territory. That, and that alone, will make you anathema; that alone will lead to excommunication. This from a denomination that salutes shamanism and every variety of religion as "engaged in the same spiritual pilgrimage." So long, of course, as they do not violate the exclusive franchise by claiming to be Episcopalian.

The December 1991 issue of *Episcopal Life* (another unsolicited mailing to the clergy) has a front-cover headline "Synod threatens schism by creating new diocese" balanced by a back-cover story describing with enthusiasm the ritual initiation of young women in a Brooklyn Episcopal parish, not into the Body of Christ or the fellowship of believers, but "into the African-American community." In the course of this ceremony, "Okomfo Aba Anun Aygeiwa, a woman priest in the Akan religion of Ghana, recited a traditional prayer 'calling on the deities and ancestors to bless the initiates. . . .' " Who is creating the schism?

There is, of course, every reason for a church to exercise authority. The Episcopal Church has failed to do so where it really counts: in what we teach and how we live. What is so sad is that authority is finally being invoked now only because the self-interest of church officials is at stake.

My late father, C. Leslie Glenn, "kept his hand on the Gospel plough" to the end; more than fifty years a priest, he died after conducting a service at the Washington Cathedral. The title of his book, *A Scornful Wonder*, and the hymn verse from which it comes, suggest an appropriate theme—and hope—for contemplation of the condition of the contemporary Church:

> *Though with a scornful wonder men see her sore oppressed,*
> *By schisms rent asunder, by heresies distressed,*
> *Yet saints their watch are keeping, their cry goes up "How long?"*
> *And soon the night of weeping shall be the morn of song.*

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A Roman Cautionary Tale

George Weigel

On July 6, 1991, the Italian Jesuit biweekly, *La Civiltà Cattolica*, published a lengthy editorial arguing that the just war tradition should no longer be considered normative in Catholic thinking about the ethics of war and peace. Those familiar with the ideological peregrinations of many members of the Society of Jesus over the past generation, but unfamiliar with *Civiltà*'s historic position in the complex worlds of Roman discourse, may be pardoned for stifling a yawn: Jesuits condemning war and Western governments do not exactly make for news these days.

But the July 1991 editorial (reprinted in English in the December 19, 1991 issue of *Origins*) was pathbreaking, politically if not intellectually, precisely because it was published in *La Civiltà Cattolica*. For *Civiltà* has long been assumed to be a kind of sounding board by which the Secretariat of State of the Holy See "tests" certain propositions that it does not, at the moment, wish to assert publicly. On this reading of its position in the Vatican scheme of things, the July 1991 editorial was news indeed, and perhaps news of great moment: was *La Civiltà Cattolica* testing the waters for a possible disenthronement of the just war tradition from its accustomed place in Catholic moral teaching?

Much rests on this question of "position," for the editorial itself was a deeply confused jeremiad in which misstatements of fact conspired with tendentious readings of history and sloppy moral reasoning to produce what one American Jesuit commentator, Father John Langan, called (with perhaps an excess of fraternal charity) a "controversial and vulnerable ensemble of affirmations." In the past, *La Civiltà Cattolica* did live in an intellectually symbiotic relationship with the Secretariat of State of the Holy See and with other major Curial departments—"dicasteries," in the Vatican code. But whether that close relationship remains the case today—whether *Civiltà* can in any serious sense be said to "reflect the views of the Holy See"—is not at all clear. The head of one Roman dicastery told me last year that "they [i.e., *La Civiltà Cattolica*] do not speak for us [i.e., the Holy See]." A Vatican diplomat, acknowledging the cordial relations that had existed between the Secretariat of State and *Civiltà* in the past, and the respectful conversation that continues today, still insisted

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recently that "it is an independent journal."

Roman bureaucratic habits being what they are, it is unlikely that one will ever get much more by way of clarification than these indirect statements, even off the record. And it would be a mistake to think of the editors of *Civiltà* as the Roman equivalents of, say, the editors of the *National Catholic Reporter*; there are boundaries of propriety within which *Civiltà* will take care to operate.

But does *La Civiltà Cattolica* speak for and with the anonymous authority of the Vatican? No. Are its editorials still used as a sounding board? Not in the sense that they once were. Indeed, the truth of the matter may be that the old polarities are now reversed, and that *Civiltà* editorials reflect the efforts of some on the Church left to press the policy of the Holy See in certain directions.

And therein lies the substantive significance of the July *Civiltà* editorial: it offers a window into the mindset of a segment of the Catholic left that, because of its position in Rome, may eventually come to have a measure of influence over the international posture of the Holy See. Alas, it cannot be said that the view one gets through the "window" provided by *Civiltà* is very encouraging.

For the editorial was, to put it bluntly, an intellectual embarrassment. It makes dubious historical claims about the ubiquity of pacifism in the pre-Constantinian Church, and on that basis treats the just war tradition as a corruption of Christian ethics. Yet it uses just war criteria (especially proportionality *ad bellum* and *in bello*, and discrimination) to declare the just war tradition beyond the contemporary moral pale. It presents a caricature of modern warfare as inexorably escalatory and inevitably involving weapons of mass destruction: a claim clearly falsified by the Gulf War. It suggests, against much of the evidence of the twentieth century, that aggressors can be appeased by negotiations. It argues that modern war never really solves problems, and always leaves behind a "thirst for revenge that will explode as soon as an opportunity arises": a claim falsified by the post-World War II experiences of Germany, Japan, and (need it be said?) Italy.

It glides over the ideological motivations behind many modern conflicts, adopting instead a vulgarized Marxist argument about the relationship between war and economic interests. It completely ignores the *ius ad pacem*—the theory of statecraft and the political concept of worldly peace—that is embedded in the just war tradition. Indeed, the editorial doesn't even get the present intellectual situation right: it begins with the startling suggestion that "hardly anyone speaks about" the Gulf War a few months after it ended. One wonders precisely what worlds of discourse the editors of *La Civiltà Cattolica* inhabit.

Finally, the editorial is redolent with the anti-Americanism that one often finds on the Roman left: an ideological deformation composed of one part Continental and Latin American *ressentiment* about the position of the United States in world affairs, one part liberation theology and dependency theory, and, in its address to the Gulf War, one part anti-Zionism. The intellectual sloppiness of the editorial would have made it dubious under any circumstances. Add the nastiness of its anti-American subtext, and the editorial moves from the questionable to the dangerous.

Is all of this merely a tempest in a Roman teapot (or expresso machine)? Not really, and for two reasons. First, the emergence of a Roman left expounding the historical, political, economic, and moral simplifications that characterized the Vietnam-era New Left (and that were dealt a crushing empirical blow by the Revolution of 1989 in Central and Eastern Europe) is going to be a major obstacle to the genuine work of theological development in Catholic international relations theory for which both the Second Vatican Council and Pope John Paul II have called. The serious conversation required to develop such a post-Cold War Catholic theology of peace and freedom will be difficult enough without having to contend with the static generated by people who, so to speak, just don't get it.

There are also some iron laws of ecclesiastical bureaucracy to be remembered. The editor-in-chief of *La Civiltà Cattolica*, Father Gianpaolo Salvini, was named a consultor to the Pontifical Council for Justice and Peace this past December. To some, *Iustitia et Pax* is a Curial backwater of little real consequence. But those who have witnessed the havoc created in American and Western European dioceses when those putatively marginal "Peace and Justice" offices (ideologically fueled by New Left-dominated Catholic publications) began to extend their influence throughout the Church bureaucracy will watch with interest, and not a little concern, as the long march through the institutions gets another push.

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School Choice as Simple Justice

John E. Coons

The media have at last grasped the fact that test scores and graduation rates improve where schools are freely chosen by families. But what many people still fail to appreciate is that the case for choice in education goes much deeper than market efficiency and the hope to overtake Japan. Shifting educational authority from government to parents is a policy that rests upon basic beliefs about the dignity of the person, the rights of children, and the sanctity of the family; it is a shift that also promises a harvest of social trust as the experience of responsibility is extended to all income classes. So far, that part of the message is not making it in the current great debate about schooling.

Even the work of John Chubb and Terry Moe, authors of the celebrated *Politics, Markets, and America's Schools*, has contributed to the lopsided picture of educational choice as an efficiency device aimed primarily at economic growth. Their book treats consumers of education as potential instruments of producer autonomy; the declared objective is liberation not of the family but the school. In their telling, choice becomes, almost by inadvertence, a tool of supply side economics: we could almost suppose that the only serious aim of school reform is to maximize those outcomes that we now measure in our econometric models. Test scores, courses taken, attendance and graduation rates are allowed to exhaust the definition of the objective.

This is troubling on several specific grounds. First, putting the focus on the school instead of the autonomy of its clientele suggests that we can achieve the same objective by giving each existing government school the powers of an independent feudal baron. Choice would be superfluous. The reasons given by Chubb and Moe for believing that such local dynasties could not survive might be right, but nobody knows for sure (indeed, Chicago's new system of school-site sovereignty is trying to prove them wrong). Second, their arguments are largely indifferent to the participation of private schools. For reasons that I will elaborate, the possibility of parents' choosing in the private sector is crucial both as justice and as policy. Third, and most important, in the end choice comes off merely as an interesting policy gadget, further obscuring what its earlier supporters had supposed to be its central humanistic justifications.

School choice, in short, has been treated like the teenager with the keys to the convertible. His friends see that he is useful, and for the moment he is popular. One day, however, he may need to be admired for less ephemeral reasons. Choice, too, needs to be loved for its own sake, or at least for a reason more noble than its capacity to make life better for the producers. In fact, there are larger reasons for believing in choice—reasons equal in dignity to those that underlie our great constitutional freedoms. A humane democracy, however, should not leave its realization to the vagaries of constitutional litigation. What follows is a brief sketch of some of the more obvious social and political arguments in support of legislated choice.

Our system of tax-supported education has for 150 years provided many of the primary embarrassments to America's image as a just society. America, for example, is still resolutely unfair to the children attending government schools in those districts that are disfavored by the poverty of their tax bases. This form of fiscal discrimination is unique among Western nations; foreign visitors find it incomprehensible, and, of course, it is. It also happens to be constitutional.

So also was the official racial segregation that lasted in the schools from their beginning until the courts removed the option in our own time. Not that the reality of segregation is behind us. Those who know Detroit, Kansas City, or the District of Columbia will affirm that the same exclusive effect can issue lawfully

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from the impermeability of district boundaries.

Until yesterday it was also the practice of our schools to force dissenting and nonbelieving children of the poor to behave like Protestants. Eventually the courts said no. That particular tyranny is behind us only to be replaced by another: children of whatever belief now must study the gospel of secular neutrality.

Finally, we still arrange education so that children of the wealthy can cluster in chosen government enclaves or in private schools; the rest get whatever school goes with the residence the family can afford. This socialism for the rich we blithely call "public," though no other public service entails such financial exclusivity. Whether the library, the swimming pool, the highway, or the hospital—if it is "public," it is accessible. But admission to the government school comes only with the price of the house. If the school is in Beverly Hills or Scarsdale, the poor need not apply.

Choice is the obvious remedy for such maldistribution and discrimination. A system of universal state scholarships, properly designed, would remove the anomaly of the impoverished district and the imposition of state ideology upon dissenters. This is the primary hope for ending the balkanization of children by race and family wealth. Choice, indeed, is the specific therapy for every historic pathology of the schools.

It is also the key to redirecting the schools toward positive but neglected social missions. The real case for choice begins with the significance it places upon free expression and the effects of that emphasis. Raising our children to represent our own values is the most important form of speech most of us will ever experience. That this point is almost wholly neglected by civil libertarians and by most literate people is a puzzle. One wonders if they are blinded by the hermetic separation of their professional work from their family life. The adult members of our elites tend to experience significant parts of their daily economic roles as forms of cherished and protected speech; in a market economy their work often has a public dimension or in any case tends to provide opportunity for discourse on public affairs. By contrast, communication within the family to their own children can easily seem remote from First Amendment values. Given its natural privacy, such speech is seldom constrained by external influences; hence it is seldom evaluated in political terms. Communication within the educated family is essentially cloistered, and its organic role within the system of speech is not easily appreciated.

It is ordinary parents who grasp this point most easily. They wear no cultural blinkers in their daily work. They have little reason to fantasize that the ideas they profess will reach influential ears or be disseminated by the market or the media. For most parents it is obvious that their chance to influence the world abides largely in the message they are able to embody in their descendants. Children are the books written by the poor. One day, perhaps, civil libertarians will discover this; the ACLU might even convene a great conference on family speech and the First Amendment—but certainly not tomorrow.

Note that there are two distinct aspects to parental speech. There is, first, the communication to the child—the ordinary private act of personal speech. Second, there is the message the parent hopes to embody in and disseminate to others *through* the child. Later in this essay it will be argued that this latter conception of the child, not as audience but as medium, constitutes an independent justification for educational choice, and that, when schools are freely chosen, they constitute a marketplace of potential ideas.

For the moment, however, let us concentrate on the purely personal and private dimension of parental speech. Here it is sufficient to observe that a society that truly cherished freedom of expression would ensure that options were provided to the family within the educational economy. For the school itself *could* represent an important personal message from parents to children; that is, it could serve this function to the extent that parents are economically able to express themselves in the act of selection. Today those families with the means to do so use schools in exactly that manner; and our law supports this precious liberty while carefully arranging to deny its practical enjoyment by the poor. This aristocratic policy is especially problematic given the reigning system of tax-supported compulsory education in which government providers dispense a set of ideas that is politically filtered. Choice is the obvious therapy. Indeed, viewed as free communication from parent to child, the choice of the school is not merely a means but a significant constitutional end.

Simultaneously, choice is therapy for the family's sense of its own dignity. It seems safe to assume that we have no present plan to replace the family as the social unit that bears primary responsibility for the child. Even the widely defamed "welfare mother" continues to bear both the right and the duty to decide everything about her child's life. She decides everything, that is, except the institution, the teacher, and the curriculum to which the child will be bound for the prime hours of the day.

This disenfranchisement of the poor (and not only the poor) comes at a cost to both parent and child. The parents learn that they are not trusted; they are not taken seriously. Society tells them instead that even utter strangers are better judges of the school that is most suitable for their child. A more disheartening message is hard to imagine.

From the child's point of view the picture is equally dispiriting. For five years he has experienced the parent as friend and advocate. This dependence is complete, and normally it is wholly positive. In the case of the

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child whose family can afford to choose, that relationship extends beyond infancy when the parent selects the institutional agent—public or private—that will provide him with formal education. For the ordinary family, the opposite obtains. The relationship of trust and confidence terminates when the child sees the parent subordinated to strangers who command his presence for purposes of their own.

This is horrendous social policy, and it could be reversed without great technical difficulty. Over time, much of the damage to the family could be undone simply by a social commitment that human dignity be respected through an intelligently designed system of choice. No doubt the new experience of responsibility will prove painful for low-income parents; it generally has for the rest of us. But that way lies the possibility of maturity and autonomy. Not all of us make it, but no great purpose is served in denying the poor their chance to fail. The present policy succeeds only in maintaining that passive dependence of which we all complain. Some say the poor prefer and deserve it, but how would we know, so long as we withhold their opportunity to do otherwise?

For my part, I have yet to meet a poor parent who prefers such impotence. Anyone who claims to speak for the poor should think twice about supporting a system that assumes them to be invincibly incompetent in their evaluation of educators. Obviously people who have never been allowed to choose may need access to good advice; and insuring good information and advice may usefully enlist the agency of the state. In designing information systems, we need only remember that choice is the goal and the state is only its occasional instrument.

Now, change the focus slightly and consider parental speech specifically as a collective good. Protecting the speech of all parents as we protect that of the rich is a social end that can be realized only through choice. Schools that are freely chosen are the proxies for parental ideas that seek entry to the public dialogue. Today those who can afford to do so often choose a school precisely because it preserves and projects a certain deposit of belief. The parent has two distinctive interests in that belief. *Qua* parent one seeks transmission of one's beliefs to the child. *Qua* citizen one chooses a school that puts one's particular beliefs into the ideological market. The school is a loudspeaker for those who freely support it with their presence and wish to cooperate in its message.

The non-rich are presently denied this medium of expression. They are conscripted for schools that impose upon them a narrow curriculum produced by a political process. By political necessity the content of that curriculum is a matter for lobbying by—and must emerge inoffensive to—feminists, business interests, gays, lesbians, unions, blacks, seniors, Jews, Christians, scientists, and Christian Scientists. In short, it must be censored. The curriculum of the public schools is whatever survives this comprehensive system of prior restraint. It is an abuse of language to describe such denatured communication as a marketplace of ideas.

If we seek the specific therapy for this monopoly of expression, it lies, again, in the extension of choice to all income classes. Such a policy would serve the common interest in a dynamic system of free speech. Society at a stroke could eliminate the censorship of family expression and establish a robust marketplace of ideas embodied in institutions that are freely chosen by parents from every corner of society.

A counterargument is sometimes made that, while choice would produce a marketplace of competing ideas, the individual child would experience its benign effect only if the parent chose a school that strove to embody the spectrum of ideas in its own curriculum. Most, they fear, would choose a school with a particularized method and ideology. Therefore, we should conscript the poor for whatever it is that is represented in the public school.

Unfortunately, a curriculum that is politically determined—i.e., any public school curriculum—cannot aspire even to be neutral much less to be a marketplace. Its highest ambition is to avoid offense. An open market of ideas inside P.S. 102 is unthinkable quite apart from the insufficiency of classroom hours. If the state were to double the school day, there would be crucial ideas that for constitutional and/or political reasons could never enter the public classroom. Nor would all these censored ideas be about race, religion, homosexuality, immortality, abortion, and gender roles. There are subtler heresies abroad that suggest limits to the ambitions of science and even presuppose the objectivity of morality. On such matters the public curriculum is not merely neutral; it is silent and will remain so. If there is to be a marketplace, it will be provided by schools that teach sharp-edged ideas of the sort that are offensive to the public censors and the lobbyists; these schools will be freely chosen by parents from among the alternatives allowable only in the free curricula of a private sector.

Another response to the speech-based claims for choice might be put this way: Censorship is, to be sure, a structural feature of the government school; but, if this is an objection, it is one fairly to be levied also at a system of choice that merely enthrones the parent as censor.

Left in this naked form, the objection is obviously true. Today when a rich family chooses a school—whether public or private—this is an act of censorship. But to see this clearly is an awakening. We grasp the reality that some adult is going to be determining the content and form of the curriculum for every child; in the designing of schools young people will necessarily be dominated by older people. Insofar as it is inevitable, this is no objection; but it does allow us to see that the correct formulation of the question must be this: Who should dominate the children of

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the ordinary family? Ought we to strip the working parent and the poor of the censoring authority that we blithely confirm for the rich?

In saying all this, we are still discussing choice in the context of liberty—and specifically of free expression—as a central social value. In relation to children, however, liberty is a tricky idea. I have just said that children will inevitably be subject to adults, but what would be more precise is to say that adults will determine the formal characteristics of the institutions of society. It may nevertheless be possible and desirable to have a care for the child's own autonomy. Paradoxically, if we do have such a care we must (at least in some cases) proceed by preferring the distinctive interest of the child in remaining relatively dependent and protected even against his own will. That is, even to maximize the overall autonomy of a child, we may in the short run be required to limit his opportunity to risk injury—whether physical, intellectual, or moral. What society must seek from the institutions of childhood is the preparation of an independent adult. In pursuit of that end the question becomes when to restrain and when to enfranchise the child along the way. Note, again, that in the case of wealthy parents we pursue the child's own autonomy precisely by giving the parents complete sovereignty. At least for those families, we have concluded that patriarchy is liberating.

Where education is concerned, any general argument for parental sovereignty as handmaiden to autonomy must be sensitive to the liberty interest of both parent and child and must extend to families of all classes. This argument would have various parts—one negative, several positive. The negative step is simple enough. Any claim for systematic state hegemony assumes a preexisting social agreement about the proper content and method of education; subordination of the family rests at a minimum upon a consensus about what the state should command. Of course, no such consensus exists. This society is deeply pluralistic, not merely concerning the aims of education but even regarding the proper means to convey effectively that content on which we do agree. On this ground alone our constitutional traditions should support parental sovereignty. What excuse have we for frustrating the interest of the low-income parent to select any of the experiences that we concede to be appropriate for the fortunate? Surely the public educator claims no offsetting liberty right of his own to conscript somebody else's child for the bureaucrat's private vision of the good life.

However, the argument for broad parental authority is much more compelling than the selfish individual liberty interest of mothers and fathers. The central—and wholly positive—proposition is that in most instances the liberty interest of the child is advanced more by decisions of the sovereign parent than those of the sovereign bureaucrat.

The reasons for the parental superiority are not difficult to specify. First, growth in the child's own autonomy is generally in the direct self-interest of the parent; and it is not so often in the self-interest of the professional. Normal parents seek to bring the child's subordination to an end by extending each petty liberty—the bicycle, the car, the hours—at the point where the child shows readiness for autonomous choice. Regarding selection of the school, for example, it is common at some point in the high school years for those who can afford it to let slip the reins and to honor the child's own preference. There is no reason to predict that less affluent families would vary from that pattern. Subsidized choice thus would mean that many more adolescents would achieve influence over their own education. They would by stages enter into an adult relation of cooperation with their own parents.

Prescinding from the liberty issue for the moment, it is also clear as a general proposition that—in terms of child welfare—better decisions tend to be made by decision-makers who themselves stand to benefit by decisions that are good for the child and who conversely stand to suffer when a mistake is made. On the whole such accountability is characteristic of parents. They must live over the long haul with the success or failure of the child's formal education. Their advantage as decision-makers is, of course, augmented by their unique personal knowledge of the child and by their natural affection.

None of these relationships characterizes the professional educator. In general, he is not accountable for his mistakes and may even prosper from the child's continued floundering dependence. He may have personal affection for individual children, but this is unpredictable and, for various good reasons, ought to be restrained. (For one thing, given budget realities, the professional often and quite properly must sacrifice one child's interest for that of another; sometimes we can't have both volleyball and violin.) Finally, his knowledge of the child's needs is relatively abstract. I do not mean that the professional's knowledge is unimportant. What I do mean is that his proper contribution is like that of the architect; so long as the client is free to follow or disregard it, it is useful. That is what professional advice is for; the professional is our agent, not our boss.

Now these claims about the best interest of the child may seem like a reversion to the "efficiency" arguments for choice that I originally criticized. In part, this is correct. To assert that parents make the best choices of schools for their own children is to echo the findings of Coleman, Chubb and Moe, RAND, myself, and everyone else who has asked the question—including even the enemies of choice. The point has special application here, however, because the liberty interest is intimately linked to the overall welfare of the child. Both interests must be simultaneously served through an adult authority, and parental choice most nearly

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achieves their harmony. Please note: I have not argued that parents are necessarily good deciders. They are merely the best.

Critics of choice often invoke another set of American metaphors to justify the exclusion of non-rich families from the marketplace of ideas. They assert that, by expressing their preferences in education, the poor will foment ideas that are dangerous to society. Some of them, indeed, will prove intolerant of others. Before I address that claim, I would like to comment on the particular contribution of public schools to intergroup tolerance.

The machinery of public monopoly was chosen specifically by brahmins like Horace Mann and James Blaine to coax the children of immigrants from the religious superstitions of their barbarian parents. Today that antique machinery continues its designated role, and if this function was ever benign, it has long since ceased to be so. What has endured is the public school system's peculiar legacy of intolerance, racial segregation, religious bigotry, discrimination against the poor, irrational fiscal distinctions among school districts, and—over and against all this—the careful buffering of the freedom of the rich to decide for themselves.

This masterpiece of social hierarchy is a source of intense mutual antagonism among those whom it throws together by their common poverty. Seeing that their own opinions count for nothing, its victims are easily moved to a similar contempt for the ways of others different from themselves. Those others they encounter at close range, conscripted like themselves for compulsory institutions. The hostilities generated among students and among parents are replicated at the macro level by conflict among organized minority groups struggling to control pieces of the educational juggernaut for their own parochial purposes. Who can blame them? By mistrusting them, society has encouraged them to mistrust one another.

Subsidized choice, again, is the specific therapy for such discord. In part this is simply because schools perform their pedagogical tasks better when families are there by choice. It is only by contract and mutual accord that families are able to form and maintain those fragile communities of learning that James Coleman has found to be the single most important stimulus to the disadvantaged child. Nor is it even relevant to object that the families in private schools are self-selected. This is true by definition, but so what? Indeed, self-selection is the very point; choice does work for those who use it.

And many more do want to use it. What we know from the polls is that most families would covet the opportunity to join or form such learning communities. Except for the wealthy few, this yen for family autonomy has until now been incapable of satisfaction. We can only guess how many families—given the chance—would emulate the pioneers.

The literature confirms that these private communities of learning are efficient, but I wish to emphasize that they are socially healing. Corrosive intergroup enmities are seldom replicated in private schools. Whatever the mix of race and social class represented by their families, hatred is not their most important product. So far as anyone can tell, their graduates are at least as tolerant of racial, religious, and ethnic differences as are their public school counterparts.

For my part, this civic virtue seems the natural outcome of an education that is allowed to focus upon a coherent set of human and/or religious values, even where those values are strongly sectarian. The child who studies justice in a simple focused model filled with live adult exemplars may be the readiest in later life to recognize that justice is a problem involving all of us. Karl Barth put it that "a will to unite cannot be developed by a people who have not yet taken themselves, to say nothing of the others, seriously." To begin to treat ordinary citizens as responsible—to take them seriously—is an investment in social unity.

All this is not being asserted as a universal psychological law; possibly for the moral development of certain children the blandest and most irenic of curriculums is the ideal. In any case, it is an admirable thing for a school to teach the dignity of persons who disagree with its message, and not every private school does or would do so. Private school offenders, however, are not noticeably different from the public systems that systematically separate off the poor and which, by political necessity, relegate a range of religious and other values to a kind of limbo. Those who claim that compulsory state schools in general work to increase the civic virtues will find me a tolerant but skeptical listener. Meanwhile, we pass on to the particular question of tolerance among the races.

For this purpose, it will be useful to retell the brief sad tale of Kansas City. In 1986, the public school district of that city and the state of Missouri were both found guilty of deliberate racial segregation. The nearby white suburbs were found innocent. The federal judge distributed the white children in the district to achieve what desegregation he could, but they represented only 25 percent of the children. He offered the black students a free ride to the suburbs with fat tuitions for the suburban public schools, but those schools would not have them. In 1989, fifty private schools offered these same children 4,100 racially integrated places at an average cost one-third that of KC public schools. Black plaintiffs thereupon sued both city and state, asking for scholarships that would allow them to vindicate their Fourteenth Amendment rights in private institutions while saving the taxpayers money. Each defendant promptly engaged two major law firms in addition to its own legal staff to oppose the suit. The teachers' union hired a fifth firm for the same purpose—to frustrate the choice of an

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integrated education for these children. So far the defendants have managed at enormous cost to avoid a decision on the merits.

The lesson is plain enough. Choice can be—and generally is—an instrument of social peace. In the case of Kansas City, it is the *only* instrument. One can imagine its adaptation to the predicament of black children in Detroit, the District of Columbia, Los Angeles, Seattle, and many other urban areas in which blacks or other minorities are immured by the monopoly. Here is tolerance for the asking, if only the civil rights establishment will ask for it. So far the establishment has lined up in opposition. Civil rights lawyers in Kansas City admit that the plaintiff children would be better off if given a choice. However, they cannot in conscience support anything that might facilitate the flight of the poor from the public sector. And they augment this noble objection with the observation that most of the schools available to help the poor are religious. Q.E.D.

All these kind words for choice rest on the assumption that the particular system of subsidies to be legislated will follow certain simple operational criteria. First, the subsidy must go to families and not to schools or other institutions. In the case of religious schools, this will be sufficient to insulate the subsidy from constitutional attack under the Establishment provision of the First Amendment and, possibly, some of the state counterparts.

Second, private schools must be included as legitimate choices. This was implicit in my observations on the limited free market now constituted by private schools. Only private schools can satisfy the legitimate interests of many families in exposing their children to ideas that would be politically or constitutionally censored in the government schools. However, the presence of private schools is also necessary as a matter of elementary economics. Without them, it is unrealistic to expect the custodians of the public monopoly to purge the system. Among the recent legislative proposals for "public school choice" there is not one that would threaten anyone's job. The "educartel" has no intention to disengage public systems from the respirator. It will harbor and promote those whom competition would instead encourage to find more suitable professions. Eliminating incompetence and redundancy is not the whole of the matter, but it is a necessary element of any serious reform.

Third, private schools ought to be protected from regulation of curriculum, hiring, and choice of facilities. The point of reform is not to reduce them to the role of Leviathan's apprentice, but to encourage their self-definition and thus their special contribution to our intellectual and social life.

Fourth, public educational authorities must be liberated to organize schools and to instruct children with the freedom characteristic of the private sector (the exception here is religious instruction). Most parents will probably wish to choose government schools and these schools must, therefore, be given the necessary opportunity to perfect their product. To that end, the various initiatives that Stephen Sugarman and I have designed over the last generation would give school district boards an option. The district could—if it chose—stand pat with its present arrangements including student assignments based upon geography or other criteria. On the other hand, the district would now be empowered to create deregulated, subsidiary, not-for-profit schools in whatever numbers the board saw fit. Each of these new schools would be a separate public corporation with articles of incorporation and bylaws that tailor the school to whatever management style and educational mission the district board wishes to try in the market.

These new government schools would survive on their capacity to attract customers, each of whom would be eligible for a state scholarship worth 90 percent of the average statewide expenditure for a child of similar grade level and circumstance. In such schools, residence could no longer be a criterion for admission. The playing field for public and private providers would be effectively leveled.

Fifth, the system must, nevertheless, tilt toward the poor. Sugarman and I reject the sunny prediction that a wholly unregulated system of scholarships would serve all classes equally well. The primary object of reform is the provision of good education to those who are presently most disadvantaged; these are the children who will be least attractive to the most popular providers in an educational market. Others may well believe that the benign intention of providers is enough to assure sufficient places for the poor in the best schools. I concede these good intentions, and I intend no offense by my skepticism about the outcome. I would insist, however, on a provision setting aside in each participating school (public and private) a substantial proportion of new admissions (say 25 percent) for low-income families. In addition, it would be crucial to insure the affordability of enrollment either by forbidding charges beyond the amount of the scholarship or by requiring that such charges be scaled according to the family's capacity to pay. These are the only restrictions that I would insist upon for those schools—public or private—that are organized to accept state scholarships in exchange for education.

Finally, the subsidy to the family must be sufficiently large to stimulate the establishment of new schools in order to provide alternatives and competition. The national average per-pupil expenditure in public schools in 1991-92 is roughly $5,800, of which $400 is federal money. An average state scholarship of $4,800 would insure formation of new producers in both sectors in most areas and could be phased in with little or no additional tax burden. Conservatives and libertarians often propose subsidies in the range of $2,500. These may be useful to let a modest number

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of low-income children in the inner city fill up spaces in existing parochial schools; and it will be lovely for the middle class who already use such schools in the suburbs. It will do little to expand the alternatives necessary to make choice meaningful for the mass of working-class and low-income families.

If our recent political experience means anything, several of the previous points will be misunderstood by certain professed friends of choice. For example, an admission preference for the poor will draw someone to his feet shouting "quota." This is natural, but it is wrong, and here are some reasons why it is wrong. First, a set-aside for low-income children is utterly unlike a racial quota. Race and gender are immutable natural characteristics; hence, for various reasons—rational and historical—legal classification by race or sex is always suspect and needs strong justification (e.g., prior deliberate discrimination). By contrast, poverty is a circumstance that may occur to any of us and, by the way, occurs among more whites than blacks.

Second, poverty is *by definition a disabling circumstance*. It is a condition that puts undesirable limits upon the individual's capacity to fulfill either his responsibilities or his legitimate aspirations. Race, by contrast, is not disempowering by its nature and can become so only in specific cultural settings; being black or female can even be an advantage in some circumstances. When we favor or burden persons by skin color, therefore, we run a serious risk of injustice precisely because race by itself is not a reliable indicator of anything important. Involuntary poverty is such an indicator. It specifies a significant human disability.

It is for this reason that poverty historically has been used by governments of every stripe as a legal classification. In aid of their personal autonomy, the state has made the poor eligible in countless ways (mostly ineffectual) for special public benefits. Whatever one thinks of Milton Friedman's own proposal for a guaranteed income, it was advanced within this historic tradition. Being for human liberty does not always exclude giving the poor a helping hand on the way to independence.

Conversely, there are pragmatic considerations affecting the operation of private schools for the poor that make the resulting burden of a limited preference easily manageable. First, this is a preference respecting admissions only; it gives the child the *opportunity*. If either the academic work or the discipline eventually proves too much for the occasional misfit, the school can discontinue the relation. Second, many or most of the private schools already have substantial and successful experience with children of the poor. Third, by recruiting a larger pool of low-income applicants, the school can have an unencumbered choice among them. The energetic school thus could pick and choose all of its students, so long as its new enrollments each year included one poor child out of four. Fourth, since the school could advertise its specific practices and curriculum, any fear that it would attract misfits is far-fetched. In an open market with a variety of schools available, why would families hostile to its message want to enroll in the first place? Fifth, the poor desperately need precisely the kinds of learning communities that are now represented in the private sector.

Would the private schools lose some autonomy? Obviously—to some extent and in certain particulars—they would. The question is whether both they and the families of the children in them would experience an overall increase of freedom. In addition, it is unsettling to suppose that private schools would seek access to state scholarships but remain unwilling to share the common burden of educating disadvantaged children.

Having said all this in support of favoring the poor, I want to add the political observation that this issue may be the rock on which reform will founder. On the one hand, if the poor are not specifically favored, the usual suspects—the unions and the professoriat—will declare choice to be an instrument of class dominance, and the media will naively affirm this canard; the monopoly will have been handed a political stick it does not deserve. On the other hand, if the poor are in fact favored in the proposal, those now holding the political throttle will be tempted to cry "quota." I hope both sides will be restrained in their tribal responses.

There is at present little evidence that they will. In 1991, after eight months of apparent consensus among all interested factions, a balanced ballot initiative for California was quietly dumped at the final moment in favor of a $2,500 scholarship with no protections for the poor. It will be supported by libertarians, Chubb and Moe, the Heritage Foundation, Milton Friedman, and most sectarian non-Catholic schools. At this writing, the Catholic bishops are deciding their own position. For their suburban schools, the initiative would add the scholarship amount to tuition, at last making Catholic schools financially competitive and more attractive to the middle class; in the inner city, it would allow the struggling low-tuition Catholic schools to fill thousands of unused spaces with low-income children, improving their lot considerably. The overall effect on the poor will be modest but benign.

The difficulty with the proposal is that the poor will be largely segregated in schools that spend $2,500 while the middle class will be largely segregated in schools that spend $5,000. At $2,500, few new schools will be started in the inner city. The continuing social division may be as thoroughgoing as that sponsored today by the public system. This is unsettling to some of the bishops, and the ultimate interest of the Church is unclear. The most vocal and affluent Catholics will probably approve; but the media are likely to take

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a dim view, with at least some justification. It is all a great pity, as the proposal could have been—and nearly was—designed to better express the interest of both the schools and the poor. It will be fascinating to monitor the arguments that get pressed in the campaigns for and against this initiative if it makes it to the November 1992 ballot.

Whatever happens to this well-intended conservative venture, there will in the future be political hope for better-designed systems of choice. That hope lies in a full-scale scholarship, phased deregulation of the public schools, and a modest tilt toward the poor in matters of admissions and add-ons. These policy impurities favoring the disadvantaged could be absorbed without damage to the identity of private schools so long as employment, curriculum, and every other educational aspect of the school's life are left untouched. Perhaps those who worship pure competition will come to appreciate this; perhaps those who have claimed to speak for the poor will come to recognize opportunity when it stares them in the face.

Shell

Structure of organic stone
this vacant house
built molecule on molecule
by the body of a mollusk
witlessly devising spectrums,
stripes, spots,
coruscations
which it could never see
or wonder at
nor even hear within
(emptied of its mortal substance)
the sea which echoes certain power forever;

This pristine whorl,
all life, all death,
all stench of either purged
by endless salt
and water and the motion
of the moon
in death, rather
in absence of life—
this shell in my hand
is remote and hollow
as a Gothic ruin
stripped by reformers' zeal,
emptied of both decay and life
by lost belief—
is as nacreous,
miraculously colored,
brilliant, heartrending and dead.

Still shells contain within
the whispered roar
of eternity.

Helen Hull Hitchcock

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Teach Me: A Catholic *Cri de Coeur*

Nancy W. Yos

No, the situation could hardly be more serious, unless Diocletian reclined still in his palace, and martyrs still faced night arrest and torture in the amphitheaters. The situation could hardly be more dire, unless the old Roman law still survived that stated flatly, frighteningly, "It is unlawful for Christians to exist." No such law operates today, but the Catholic Church in the United States behaves as if one did. The situation is this: that the Catholic Church in the United States is committing suicide through refusal to educate its people.

I have almost twelve years of formal Catholic education at my back—seven-and-a-half years of Confraternity of Christian Doctrine (CCD) classes, four years of religion classes at a Catholic high school—and for the edification of my reader I will now report everything I can remember.

I remember we drew and colored pictures for the first several years of CCD, at the same time that we were experiencing the sacraments of first communion and first confession.

I remember that even as late as the first day of our eighth-grade CCD class, our teacher asked us what we would like to do, and if we would like to color. Being thirteen- and fourteen-year-olds, I think we hinted that we'd rather not. Our teacher went on to become a priest.

I remember we memorized the Act of Contrition one year, and the Beatitudes another.

I remember in high school, the second half of our sophomore year religion class was devoted to "Sex, Sexuality, and You." There was a purple-covered textbook by that name, and in it was a drawing of an erect penis. I vividly remember that.

I remember one day in high school we saw a filmstrip on Church history. The narrator mentioned Constantine and the Great Schism.

I remember our junior and senior year religion textbooks were called *Deciding* and *Relating*, and one day we talked about what would be the moral thing to do if two boys asked us out on a date for the same night.

I remember we learned that most of the Gospel stories, none of which we actually read, had been invented by authors who wanted to make Jesus seem like a god, because by 100 A.D. the memory of his life was fading.

I remember we learned that the only two things anyone really knew about Jesus' birth were that he was born during the reign of the Emperor Augustus, and that he was born during a census.

I remember we learned that Pope Innocent III ordered all the Jews in Europe to wear yellow badges on their hats (so you see he did not really live up to his name, "Innocent").

I remember we had to bring a New Testament to CCD classes, and a Bible to our high school religion classes. We never read even as much from them as I later would read in college biblical or world literature courses—where, in the interests of the higher criticism, I was instructed to ignore the Bible's mythological patina and look on Jesus in his true form, as one of a half-dozen Near Eastern vegetation gods—to look on the Almighty himself, in fact, in *his* true form, as a Sinaitic volcano god. Professors fear nothing.

I remember my high school friends and I sniffed out, with unfailing adolescent instinct, the racy parts of the Old Testament, and giggled at lunchtime over the flat-chested little sister in the Song of Songs.

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And that is just about all. My reader may say that my memories are my own fault. He may say that if my memories of a Catholic Christian education are this sparse, it is because I was a bad student, and did not pay attention to twelve years' worth of surely more valuable lessons than these. He may be kind, and say that naturally all children sometimes let their wits wander in the schoolroom, and are the poorer for it in adulthood, or he may be severe, and say that I was perverse all along, absorbing then only what I wanted to learn, recalling now only what I wish to retain. He may say simply that human memory is a faulty, fragile thing.

All such protestations may be true, and I will not, therefore, defend myself against any but one of them: for I do insist that I have not recalled only what I wish to retain. My reader must believe that I have not really selected the most damaging memories I can think of, from some larger store, in order to cast my education in the worst possible light. I have set down every item of my Catholic schooling that I can with certainty bring up. Every one; but perhaps if I honestly display, not only my poor memories of the Catholic things I did learn, but also a catalog of all the Catholic things, the fundamental things, of which I remained ignorant long after my religious schooling was finished, then my reader will be persuaded that it was the education that was to blame, and not the student.

Until the past few years, when I began to try to educate myself, I was so unacquainted with the Bible, particularly the New Testament, that I did not know who were the twelve apostles. In fact, I persisted for quite a while as a child thinking that the Lord had twenty-four close friends, twelve apostles and twelve disciples. I long did not understand the differences among apostles, disciples, and evangelists. I do not remember exactly when these confusions were cleared up, but I am sure the clearing was not done in a classroom.

I did not know the difference between Gospels and Epistles.

I did not know which were the holy days of obligation, nor when they occur.

I did not how to say the Rosary, nor what its decades represent.

I knew no prayers except the Our Father, Hail Mary, and Glory Be (I had long since forgotten the Act of Contrition). I remember in high school an elderly nun, substituting for an absent teacher, once tried to lead us in a recital of the *Memorare*, and rebuked us with old-fashioned disgust, poor lady, when only four or five girls out of a class of twenty-five could follow her.

I knew almost nothing of the Church calendar, of its seasons and feast days.

I did not understand the Immaculate Conception. I always thought that the feast of the Immaculate Conception commemorated the conception of Jesus in the womb of the Virgin Mary, and that the days from December 8 to December 25 represented, in telescoped form, the Virgin's pregnancy.

I did not know what was original sin: I thought it was sex, and could not gather what sex had to do with either the apple or the "Fall."

I did not understand what was signified by the word "Passion," nor did I know why a lamb was supposed to represent Christ in this connection. I learned about the Lamb while reading Jeff Smith's essay "The Sure Proof: Wine and Theology" in *The Frugal Gourmet Cooks With Wine.*

I was ignorant, and remain basically so, of the gigantic topic of Church history.

I still cannot answer the equally gigantic question, What is a Christian, to my own satisfaction, and have no idea when I will be able to do so. For you see, I will not be satisfied with any definition of the term until I know that my definition is the Church's definition—I wish to be correct—and from experience I know how difficult it is to get the American Church, in the person of its appointed teachers, to tell the faithful anything, however elementary. I guess I may run across the definition sometime. For my reader must understand this point, that when I display my ignorance, when I say "I did not know, I did not understand," I do not mean that the Catholic fundamentals were given me and I could not grasp them. I mean that such fundamentals as I have listed were never discussed in any Catholic classroom in which I ever set foot. Never discussed, never presented, hardly hinted at; I have just run across things later. We were too busy coloring, doing things that took twelve years to do but left only a handful of impressions on my memory.

Lest my reader complain again that my reflections are too personal, too arbitrary to be trusted, lest he say that my idiocy is my own problem (and indeed there is a stern paragraph in the *Pocket Catholic Dictionary* under the entry "Vincible Ignorance"), I will introduce him, gladly, to the Catholics of my acquaintance who are even bigger ignoramuses than I am. These are Catholics who have endured enough official education to be permitted to make the sacraments.

One of them does not know that the bread and wine at Mass literally become the body and blood of Christ. He thinks they are symbols of the same, and is incredulous when told he ought to believe in Transubstantiation.

Another, asked to identify the twelve apostles, begins by reeling off the names Matthew, Mark, Luke, and John. Asked to excise two names from that list, he draws back in surprise and then inserts Paul.

Another shrugged blankly upon one day encountering the phrase "church at Corinth" in a bit of reading—and if this should seem a minor fault, remember that to not recognize "Corinth" is to not know Corinthians, which is in turn to not know St.

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Paul and therefore a good chunk of the New Testament. Perhaps my reader begins to see what place Scripture has in an American Catholic's formal education.

Another Catholic does not know the difference between the Assumption and the Ascension, nor what persons are honored on the feast days so named, nor when the feast days occur.

One cannot distinguish among the Gospel characters Pontius Pilate, Herod, and Caiaphas, nor among their titles and roles in the Passion narrative.

Another believes that the *Kyrie* is the Latin version of the "Lamb of God" formula recited at each Mass.

One is not sure what person is called "Our Lady."

These are the Catholics of my acquaintance whom even I, raw as I am, was able to catch out in ignorance greater than my own. What I insist upon is not that I move in an uncommonly foolish circle of people—for my reader must believe me: I am not stupid, they are not stupid—but that such ignorance as I have described is routine, routinely met. This is normal. If such a small sampling of the faithful population labors in such intense darkness, then how must the whole Church suffer? We do not know even the fundamentals of our religion, and we are not stupid. If the fundamentals had ever been given to us, I think we could have absorbed them. But they were not given.

How desperately the Church in my own school days struggled to withhold that gift: How frantically my teachers worked to fill the time with anything except plain information! They could stall for years. They are still stalling now, to judge only from the seminaries closing down, and from official worries about the Shortage of Priests. Of course. Without education, the strongest vocations for religious life will dry up like plants never watered. Who can join a club he's never heard of? On behalf of their church, my teachers cultivated such innocence as would have made any harassed pagan emperor smile, and sleep soundly in his bed.

Naturally, none of this matters if Christianity does not matter, in which case my reader may put this essay down. I write because I am only puzzled to know what the American Church is thinking of. Christianity matters to it, I assume, and yet it will not teach. In my own parish's weekly bulletin a priest writes of the need to pass on the Catholic faith to young people, and yet he persists in organizing pizza parties, ski trips, and weekend excursions to amusement parks, none of them very well received. (What fifteen-year-old is going to eat pizza and visit Wisconsin Dells with a priest?) To my knowledge this man has never gathered ten adolescents into a classroom to speak to them about their religion. No teacher ever stood up in any classroom of mine and made any positive statement beginning with the words "This is so."

I would have liked to learn something, anything. I would have enjoyed, for example, reading the first chapters of St. Luke's Gospel. Those chapters include the Magnificat and the stories of the angels and shepherds, and close with disarming, lovely simplicity: "But Mary kept all these things, and pondered them in her heart." My introduction to St. Luke came instead from Linus' spotlighted speech in *A Charlie Brown Christmas*. I would have been interested in anything, even little things—the nine choirs of angels (angels, archangels, thrones, seraphim, cherubim, dominations, virtues, powers, principalities), the five great basilicas of Rome, the seven deadly sins (or are they called venial?). What are the catacombs, limbo, forty hours devotions, Melchizedek, what is Cluny and who are the Copts and why the varicolored vestments worn at Mass each Sunday? They never would tell us. I sometimes think information was withheld from us, exactly in proportion to its interest. Every summer we were belched out of our Catholic classrooms, scores of boys who will never become priests, scores of girls who cannot dream of becoming nuns. They would not teach us.

No, it does not matter, if Christianity does not matter. But I think the Catholic Church in America still says that it does matter, and so I am puzzled. Why will it not teach? Does it imagine that the world will give young Catholics the Christian education it neglects? Is it afraid to make us freaks among our peers? Is it afraid to make us dissidents before the state?

Let me sketch the world into which our poor young Catholics will move, carrying their abysmal official education with them. Or rather, no, let me only sketch what wondrous new lessons await them even in the next phase of their secular schooling, before they finally venture out into the world. I warn you, Catholic schoolteachers, this is what you pass your graduates to. It is not only that they will move into—that they have long lived in—a vigorously secular world. You know that, and how secular, I leave it to you to reflect. Contemplate our American Christmas, if your reflections need prompting.

It is more than that. If they go to college, say, for just a year or two, our young Catholics will enroll in philosophy classes where they will be far more likely to read Nietzsche (famously, "God is dead") and Bertrand Russell (less famously, "Historically it is quite doubtful whether Christ ever existed at all, and if He did we do not know anything about Him") than St. Paul or St. Augustine. They will be much more likely to work on their school's production of *Jesus Christ Superstar*, learning as they do quite a bit about our popular culture's devotion to the rehabilitation of Judas Iscariot, than to ever hear St. Jerome's name mentioned. They may take comparative literature courses in which Jesus, the dying-and-reviving god, is grimly rebuked for that crack he made about dogs to the Canaanite woman, and then let alone. They may take history classes in which they will learn of the various interesting Middle Eastern cults that competed for adherents in the ancient world in the

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centuries after Christ's death. (Too bad Isis lost. Women might have had a better time of it.)

If our young Catholics were educated Christians they might at least be able to speak out in such classes, debating with professors and fellow students as rational adults. Being illiterates, they are helpless. The waves wash over them, and they pose no threat to the workings of undergraduate liberal arts departments, where all things are relative, all scholars fair-minded, and all values worthy, but Christianity unquestionably beyond the intellectual pale.

These were your subjects, Catholic schoolteachers, this illiteracy your problem. And now it is too late. Before they turn twenty, whatever tiny store of Christian knowledge your young might have possessed will feel the coup-de-grâce at university, that fortress of learning, that rearer and polisher of good citizens. And your young will progress fully out into that ferociously secular adult world, and help make their country—no, nothing so grand, their Church—however Christian it is.

For any Catholic, young or, I suspect, old, in school or out, who wishes to break out of these confining walls and venture into the lonely, windswept pale, self-education is the only answer. All self-educated people run the risk of becoming pedants; the self-educated Catholic also runs the risk of tumbling innocently into error. Having decided that the faith into which I was born is, after all, my cup of tea, I should like at least to be correct about certain things. Unfortunately, no guidance is forthcoming from the terrified American Church. I am alone, but for the books.

I had been long safely away from any Catholic classroom when I found and read my first really useful Catholic book, Rumer Godden's novel *In This House of Brede*. But for this, I never would have suspected that Catholic Christianity is a faith that intelligent people may take seriously. From this, I got my first inkling that Catholicism is a surprisingly sophisticated religion. I got that inkling, I learned to suspect, because the author was not afraid to write down plain information about the Church's teachings, traditions, and history. She was not embarrassed to say in effect, "If you are a Catholic, this is what you are." She taught me things that no Catholic schoolteacher ever had the knowledge, or perhaps the permission, to teach me. The knowledge she passed on sparked my interest and respect, and so I have concluded that basic understanding of a faith must be the first step to having faith. How many things I plainly learned from her.

I learned about the Church calendar, how the liturgical year begins with Advent and concludes with the feast of Christ the King on the last Sunday before the next Advent.

I learned about the Divine Office, how it is a collection of hymns and prayers recited at certain times of the day (Lauds, Prime, Terce, Sext, None, Vespers, Compline, Matins) for no other reason but to honor God. I even learned from a catechism book that it is "highly recommended for all the faithful"—imagine!

I learned the everyday importance of the Psalms, and have begun to try to read them with attention.

I learned about the three Masses said for Christmas, and about the Triduum, the three days concluding Holy Week, and what the Church does each of those days and what events are commemorated. I learned that the Last Supper is remembered on Holy Thursday, and about the Paschal candle, "inscribed with the date of the civil year and painted with the symbols of the Resurrection"—she is right, it is so. One Good Friday when I attended a Stations of the Cross for the first time, I saw the sanctuary of the church just as she described it. (The sanctuary, incidentally, is where the altar stands, although I am not sure of the difference between the sanctuary and the sacristy.) The cross was gone, the altar bare of linens, "the doors of the empty tabernacle," where the communion wafers are kept, "flung open." It was a great pleasure to catch sight of that little box, which I assume is the tabernacle, with its doors flung open on Good Friday, and to know why.

I learned about feast days. Corpus Christi, Holy Innocents, St. Stephen, St. Thomas of Canterbury, Pentecost (so much to learn), St. Benedict, St. Basil the Great, Our Lady of Perpetual Succor, Our Lady of Consolation.

I learned what is a monstrance, and what is an exposition of the Blessed Sacrament, so that when the parish announced such an observance, I knew what it was, and could attend. And while I was there I heard an old woman tell her young companion to genuflect on both knees. So I learned that.

I learned how a new church is consecrated, and how many Church councils have been held from the beginning until Vatican II (twenty).

I learned the names of old books and writers, and I gathered up ancient rich words, culled by an educated author from God knows what sources. Aelfric. *Ancient Devotions to the Sacred Heart.* "The Dream of the Rood." "'But Rufinus is a stylist. It would be appallingly difficult to do him justice.'" Nicodemus. St. Hildegarde. "He has distributed freely. He has given to the poor." "I shall run the way of thy commandments when thou has opened wide my heart." *"Christus vincit, Christus regnat. Christus imperat." The Fleury 'Play of Herod.'* The *Portiforium* of St. Wulfstan of Worcester. "The lines have fallen unto me in pleasant places." "Having seen Him, I love and trust Him." "Open to me the gates of justice."

Open to me the gates of justice. I learned, most gloriously, about music. Information about great Church music percolates through every chapter of the novel. And when I was done with it, how wasteful it seemed to me ever afterward that Catholic schoolchildren should grow up singing little grotesqueries

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like "Let There Be Peace On Earth," "The King of Glory," the "A - men" from *Lilies of the Field*, or the inexcusably repulsive "To Be Alive":

To be alive and feeling free
And to have everyone in your family
To be alive in every way
Oh how great it is
To be alive.

Some of these pathetic, keening ditties find their way into the Mass, where adults must suffer them; and I, in my rawness, must grope through the public library's record collection in search of the Catholic exotica Rumer Godden showed me. I learned about Thomas Aquinas' poetry for the Corpus Christi Mass (*Lauda Sion*), "set to the melody of a sequence of Adam of St. Victor." I learned that there is a tune called *Tonus Peregrinus*, "with its fitting wandering air," and something else called the Epiphany *Jubilate*. I learned about something called the Sarum Antiphonal, and *Gaude, gaude, gaude, Maria virgo*, and "'the plainsong *Christus factus est*, and whoever it was who composed the Easter mass.'" I learned of another something called *Rorate Coeli* ("Drop down dew, ye heavens from above . . . and let the clouds rain the Just One"). "The Lord God will give him the throne of David, his father". . . *Jesu corona virginum* . . . *In Exitu Israel* . . . "Speak tenderly to Jerusalem, and cry to her that her warfare is ended. . . ." These old words trail down, here and there, like creeping vines from a misted jungle canopy, luring the eye up to unseen, unimagined, rustling humid heights. Old, past songs, past thoughts, past people, long past histories and passions. Waste. Wasted time, wasted riches, wasted faith.

Fortunately for the solitary student, as with books, one piece of music leads to another. I have learned other names since finishing Rumer Godden's novel. I have found the *Pange Lingua* ("Down in adoration falling, Lo, the sacred host we hail"—more Thomas Aquinas), *Dies Irae*, *Stabat Mater*, the *Veni Creator Spiritus* and records of Gregorian chant. I have found Eusebius' *History of the Church*, Augustine's *Confessions*, St. Catherine of Siena, and Hildegarde's *Scivias*. So many names and books have I discovered, as to rather make *Deciding*, *Relating*, and even *Sex, Sexuality, and You* pale in comparison.

St. Francis de Sales, *Introduction to the Devout Life*. St. Therese of Lisieux, *Autobiography*. St. John of the Cross, *Dark Night of the Soul*. St. Teresa of Avila, *Interior Castle*, *The Way of Perfection*, *Autobiography*. St. Francis of Assisi, *The Little Flowers*. Juliana of Norwich, *Revelations of Divine Love*. Sor Juana Inez de la Cruz, *First Dream*. St. Ignatius, *Spiritual Exercises*; St. Augustine, *Rule*, St. Benedict, *Rule*. St. Catherine of Genoa, *Treatise on Purgatory*. Clement, Polycarp, Tatian, Origen, Gregory Hildebrand, Gregory Nazianzen. The *Didache*, *The Epistle of Barnabas*, *The Epistle to Diognetus*, *Miscellanies*, *Monologium*, *Proslogium*, *The Consolation of Philosophy*. Athanasius, Irenaeus, Serapion, St. Jerome, St. John Chrysostom, Boethius, St. Anselm, St. Ambrose, Abelard, Pascal, St. Bernard of Clairvaux, Isidore of Seville; *Pensées*, *Paraclesis*, *Divine Dialogue*, *The Cloud of Unknowing*, *Etymologies*, *Abandonment to Divine Providence*, *Mirror of Perfection*. Bede, Columbanus, Boniface, Alfred the Great. Dante. Michael Psellus, Photius, Theodore Abbot of Studion. St. Bridget of Sweden, Gertrude the Great, Mechthild, St. Robert Bellarmine, Erasmus. Evelyn Underhill, *The Mystics of the Church*. Sigrid Undset, *Kristin Lavransdatter*. G. K. Chesterton, *The Father Brown Omnibus*. Thomas à Kempis, *The Imitation of Christ*. Thomas Merton, *No Man Is An Island*. *The City of God*. *Summa Theologica*. Thomas Costain, *The Conquering Family*: "Now there was in Rome at this time a great Pope, one of the very greatest of all Popes, Innocent III." Imagine! He whose dark prejudices we were only taught to pity. Can there have been more to him than we were told?

I have discovered that Christians wrote many books in the last two thousand years, surely enough books to fill a few years of Christian formal education today. Surely we need not have colored so much, nor fallen back upon *Deciding* and *Relating* when we were already seventeen. Surely the American Church could have hinted at the weightiness of the faith, even to children, even to us. We might have learned how old this faith is, how heavy in history, how complex in traditions and deadly serious in creed. For myself, enlightenment falls softly, dumbly, as befits a near-perfect innocent. I look up occasionally from my reading and think, My! They were very serious about this, weren't they? "But Blandina was hung on a post and exposed as food for the wild beasts let loose in the arena." Or this, ". . . its mystery and history, from the creation and beginnings of the world, through the Old Testament, the patriarchs, the foundations of Rome, to the opening of the New Testament, 'all woven together into a marvelous whole.'" A marvelous whole. Yes, and I think, My! This is no slouch religion, is it? "Go and wait on the poor when they are sick in bed, wait on them, I say, with your own hands."

Surely, I think, it was not for what I was taught that the first Christians accepted, and left their homes and occupations to travel to foreign lands and preach to strange, hostile peoples. It was not for this that they simply stayed home and believed and got laughed at, which may be harder. It was not so that things could come to this pass that Christians accepted imprisonment and execution rather than worship their neighbors' idols or even speak ill of the new faith. It was not for this that men and women retired to cloistered cells to pray for the rest of their lives, nor for this that they nursed the sick, taught the illiterate, copied old manuscripts, fought battles, cleared land,

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built cities, raised Christian children, worked. It was not for this that missionaries crossed oceans and forests, scholars wore out their eyes in study and monks faced Vikings with their altars at their backs. It was not so that things might come to this pass, that Christians for sixty generations have believed. It was not to come to this pass: that the most affluent, sheltered schoolchildren who have ever lived should while away the years drawing pictures of waterfalls and of how they feel, and their Church call it education. That the wealthiest, cleanest, most sheltered adolescents who have ever lived should be spared the rigors of Bible study, but encouraged to investigate the sacred scriptures of the world's other major religions. Yes, it is unmistakable. Of the Bible, teachers seem to say, "Look, this is why it's so weird"; but the Bhagavad-Gita and the Koran are noble wholes. Why, in the epic of Gilgamesh you can even see how the Bible authors plagiarized about Noah.

To this pass: that the most coddled, innocent young people who have ever lived should be taught to look down on their faith from the lofty heights of twentieth-century objectivity, smiling in wonder at its transparent origins, frowning gravely at its sordid past. (Those baby loaves-and-fishes stories . . . the Inquisition . . . not standing up to Hitler.) To this pass: that the most privileged Catholics who have ever lived should be taught by their Church that their religion is a lie; for being kept purposely ignorant of it is the same thing as being told it is a lie. Of all that I have learned by myself in the last few years—the most extraordinary revelation has been that it might be true. Well, why not? Assuming that all people who have ever lived until now have not been zealot fools or simple children, assuming that even the most startling books may have been written and preserved in good faith, and that common people in their millions do not necessarily willingly follow obvious fraud even to the death, why then—perhaps it was true. "Are you the only visitor to Jerusalem who does not know the things that have happened there in these days?"

Unhappily, I am on my own, and so will my children be. Unless we are sent missionaries from other lands, I think we are all on our own. Even if I teach my children myself, which is dangerous considering my ignorance and my autodidact's susceptibility to error, they still cannot make the sacraments without official schooling. Thus neatly does the American Church smother Christian learning, snatching the faithful out of danger when they are barely out of diapers. What kind of a Catholic am I, who fights my Church for the right to bring up my children as Catholics? How does such a contest look to the bewildered child? I do not know if Christ and the apostles intended Christians to be lone neophytes struggling by lamplight over obscure books, looking up cross-references in this year's *Catholic Almanac* in the effort to be correct. The work is interesting, so I don't mind it, but I am not sure that it is making me a Catholic or a Christian. I do not know that it will help bring me to salvation, which is, after all, the point.

"You need the community," says a character in *In This House of Brede*. I have the community at Mass, fortunately. With each passing week I try to more thoroughly appreciate it, since it is lay people's only living, communal link to the Christian past that their Church has not suffocated. I hope it will never be outlawed, because if it were, I am not sure the American Church would know how to do anything about it, lost as it is in these bleak surroundings and only a few pesky vines trailing down. "I saved the Cross," says Chesterton's Father Brown, "as the Cross will always be saved." I wish it were so, but I am afraid. Maybe not for us. Not here. FT

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The End of Canadian History?

Mark A. Noll

While the United States has been preoccupied with another Kennedy scandal, the controversies over Clarence Thomas and Mike Tyson, and the political fallout from a recession that may or may not be over, to the north something truly important is taking place. With increasing concentration over the last several years, the Dominion of Canada has been debating its future. Not surprisingly, this debate features the constitutional relationship between Quebec and "the Rest of Canada" (ROC). As the *Economist*'s John Grimond has put it, "Even in normal times constitutional debate is the Muzak of everyday life in Canada." But these are not normal times, and Canada's debate—apart from its intrinsic interest to Canadians—also offers more than a little to citizens of the United States who ponder connections between the shape of government, the will of "the people," and the common good. Although it may not be obvious at first glance, Canada's unfolding history is also important for those who feel that religious convictions, institutions, and traditions have a vital role to play in the shaping of a nation's public life.

The current round of debate over how Quebec and the ROC should get along is only the latest episode in a long history of constitutional uncertainty. It began in 1759, after Wolfe triumphed over Montcalm on Quebec's Plains of Abraham, with the question of how Britain should incorporate a French-speaking, Roman Catholic colony in an otherwise Protestant empire. It continued with the Quebec Act of 1774. This piece of legislative magnanimity gave Canada's French Catholics civil rights and religious privileges that Britain would not extend to its own Catholics for another fifty years. But it also incensed the thirteen colonies to the south, who nervously interpreted this act of justice toward Quebec's Roman Catholics as a sign of Britain's tyrannical designs upon themselves.

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In 1839, after abortive revolts in modern-day Quebec and Ontario, a famous report from Lord Durham's commission proposed "anglicizing" Quebec, since, as the report affirmed, it was a "vain endeavor to preserve a French-Canadian nationality in the midst of Anglo-American colonies and states." Quebec, to put it mildly, was not pleased, and dug in its heels—with success. When the British North America Act of 1867 created the Dominion of Canada, Quebec was granted a separate provincial government along with considerable autonomy over its own institutions, including religion.

Quebec continued to be an anomaly in North America for almost a century after the Dominion was created. It was a contained society—governed by a secure alliance of large landowners, industrial magnates, conservative political leaders, and the Church's hierarchy—in a Canada that otherwise was only slightly less democratic and entrepreneurial than the United States. Quebec was an island of French in a sea of English, a French Catholic culture in a North America where elsewhere French immigrants did not stand out, where the Roman Catholic church was dominated by the Irish, Germans, Poles, Italians, and Ukrainians, and where Protestants mostly ran the show.

Despite the weight of such traditions, settled patterns began to change during and after World War II. In 1960, the Liberal Party won a decisive provincial election at which voters opted for the outward-looking cultural style that would later mark Pierre Elliott Trudeau's tenure as national Prime Minister. Following which urban terrorists in the period 1967-1970 bandied Marxism, robbed banks, and assassinated a provincial minister. The attempt at armed revolution did not succeed, but the terrorist *Front de Libération du Québec*, along with other, less-violent nationalist groups, did raise the political temperature. In May 1980 the question of independence

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was finally put to a vote, but the referendum failed. Yet, as has become painfully obvious, the sentiments leading to the eruptions of the 1960s and 1970s had by no means faded away.

The most recent difficulties began when Canada "patriated" its constitution in 1982, an event that fulfilled Trudeau's long-standing desire to put Canada's political future entirely in the hands of Canadians. Queen Elizabeth would still be Canada's sovereign, but that was now the extent of formal connections with Great Britain. This new constitution, as it turned out, followed American rather than British precedent by being a written document and by including an explicit Charter of Rights and Freedoms. Analyzed by itself, the provision of a constitution with a specific "Bill of Rights" has much to be said for it. But as a signpost for Canada's broader history, it may have marked a crisis of identity as much as a political reform.

In the event, Trudeau, although a Quebecker himself, had more success convincing the ROC that the new constitution was a good thing than he did Quebec, which, nervous about protecting its hereditary prerogatives, refused to ratify the document. Under Brian Mulroney, from 1984 the Progressive Conservative Prime Minister, provincial leaders hammered out an agreement in 1987 at a government retreat house on Quebec's Meech Lake that was designed to secure Quebec's assent to the constitution. This Meech Lake Accord designated Quebec as a "distinct society" and expanded the control it could exercise over its own affairs. But for a number of reasons—including dissatisfaction about special privileges offered to Quebec, a desire by other provinces to also achieve greater autonomy from Ottawa, and Native American contentions for ethnic rights—the Meech Lake Accord failed to secure the approval of all provinces by the stipulated date for its ratification, June 1990.

The failure of the Meech Lake Accord has led to aggressive noises in Quebec about leaving Canada, almost equally aggressive responses of "good riddance" in some Maritime and western areas, growing appeals from other provinces for an autonomy like Quebec's, the rapid rise of a new force on the national political scene (the Reform Party), and the descent to all-time record lows of citizen satisfaction with Brian Mulroney and his government. Provincial and national politics are probably more thoroughly disconnected in Canada than in the United States, but the national constitutional mess may have contributed to the provincial victories of the New Democratic Party, Canada's cautiously socialist third-party alternative to the Liberals and Progressive Conservatives, that occurred in Ontario, Saskatchewan, and British Columbia during 1990 and 1991.

Since the collapse of the Meech Lake Accord, Canada's national government has mobilized to address the future. At the end of June 1991, on the eve of the July 1 observation of Canada Day, a commission established by Ottawa, "The Citizens' Forum on Canada's Future," issued a general report on the state of national affairs prepared after meetings throughout the whole country. Then in late September came a fifty-nine-page constitutional proposal prepared under the supervision of Joe Clark, a former Prime Minister who now serves as Minister of Constitutional Affairs. In between these government reports appeared countless position papers, forums, and discussions from private groups—all seeking to show Canadians what should, or should not, be done to meet the current crisis.

Massive treatment in the Canadian press, along with reports from outsiders like John Grimond ("Nice Country, Nice Mess," *The Economist*, June 29, 1991), offer nearly everything that one might want to know about Canada's current state of affairs. The one exception is the question of how religion figures in the mix. On that subject the truly remarkable news is that there has been virtually no news at all.

II

In official documents on the constitutional situation religion has either not been mentioned at all, or it figures only in the list of categories that define Canada as a multicultural society. To pause for the inevitable comparison, the current Canadian situation seems more like the United States of 1789 than of 1991. When he was asked why the U.S. Constitution contained no references to God, Alexander Hamilton, speaking for himself and the other delegates, replied with studied flippancy, "We forgot." That attitude seems much closer to the current Canadian attitude than to what now prevails in the United States. Within living memory, for example, there has been nothing in Canada like the religious reactions in the United States to the Gulf War where, with a mixture of subtlety and fanaticism so characteristic of our history, Americans engaged in ethically strenuous discussion on criteria for a just war and also indulged in a spasm of enthusiasm for wild-eyed apocalyptic literature.

The omission of religion from Canada's current constitutional crisis is curious for a number of reasons. In the first instance, religious faith remains a significant feature in the lives of some prominent political leaders. Canadian politicians do not exploit their religious allegiances for partisan purposes the way their American counterparts have done over the last three decades, but meaningful, if subdued, religious faith is a major factor in the lives of at least some recent leaders, like the Catholic John Turner (who for a brief period was Trudeau's successor as a Liberal Prime Minister) and Preston Manning, the evangelical Protestant leader of the Reform Party.

An incident related to one particular recent discussion of Canada's constitutional future illustrates the continued salience, but also the studied disregard, of religion in the lives of Canadians. In its July 1, 1991,

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issue, *Maclean's*, a Canadian counterpart to *Time* or *Newsweek*, released its own "forum" on the fate of the nation. Over a long weekend in early June, the magazine had gathered twelve Canadians from throughout the country, delivered them into the hands of three "conflict managers" from Harvard, and recorded the intense discussions that ensued. The result was a sixty-five-page story, "The People's Verdict," with extensive reporting of the weekend conference; a lot of self-conscious attention to the twelve participants, the three Americans who led the discussion, and the process that brought them together; and a final document, "To Clarify a Vision: The Aim—a nation where all people feel at home and fairly treated." In both this document and extensive stories on Canada's national history that surrounded reports of the conference, the predominating themes were narrowly constitutional, broadly economic, polemically ethnic, and fuzzily humanistic—e.g., "Social, economic, and constitutional questions have a better chance of being well handled if Canadians work more closely together, side by side, with greater understanding, empathy, tolerance, genuine concern, and a willingness to share." As for religion, the only mention of it was in an accompanying historical article describing the way that in the early 1960s Quebec was "revitalized" when it "shook off centuries of domination by the Roman Catholic Church" (on which matter, more anon).

The absence of any meaningful reference to religion did not pass entirely unremarked. Harold Jantz, editor of *Christian Week*, a lively periodical of news and analysis published out of Winnipeg, commented in his July 16 issue that *Maclean's* silence on religion was strange in a country where churches and religious institutions of many kinds were, in fact, contributing materially to the nation's well-being. Among several other ventures, Jantz cited efforts by the Canadian Bible Society to provide new translations of the Scriptures into Native languages, the hundreds of summer church camps that draw together young people from throughout Canada for recreation and inspiration, and the many religiously sponsored relief agencies that collect Canadian wheat, expertise, and funds for stricken corners of the world.

Jantz's perplexity about the absence of religion in the *Maclean's* report continued to rankle, with the result that he eventually got on the phone to three of the twelve participants. What he discovered was that each was to some extent an active Christian—a Baptist from Nova Scotia, a Catholic from Quebec, and a member of the United Church from Ontario. Yet the three reported that the only forays into the territory of religion during the *Maclean's* gathering were a passing reference by a Native woman to how Native spirituality shaped her life and a momentary excursion into an Anglican church during a break in the proceedings. Almost as if to echo Alexander Hamilton, one of the participants responded to Jantz that religion simply "never came up."

III

The struggle for constitutional stability between Quebec and the ROC is the central political story of Canada's recent past. But the unfolding of that story, along with the prospects for its successful denouement, are tightly bound up with two other great "public stories." These other developments, with their interconnections, provide the indispensable context for making sense of the constitutional impasse. One of these other stories is social; it involves the rapid expansion of an individualistic mentality, not unrelated to the concerns of the 1982 Charter of Rights and Freedoms. The other is religious; it concerns the abrupt changes that have taken place in the Canadian practice of religion over just the last generation.

Canada's social situation is nicely highlighted in two outstanding recent books by eminent sociologists. *Continental Divide: The Values and Institutions of the United States and Canada* (Routledge, 1990) represents the distillation of a full lifetime of study by Seymour Martin Lipset, who during the 1930s did doctoral research on the predecessor of the New Democratic Party in Saskatchewan and who has maintained a steady interest in Canada throughout his distinguished career. *Mosaic Madness: The Poverty and Potential of Life in Canada* (Stoddart, 1990) by Reginald W. Bibby, a sociologist at the University of Lethbridge in Alberta, follows closely on the heels of his pathbreaking *Fragmented Gods: The Poverty and Potential of Religion in Canada* (Irvin, 1987). Lipset's *Continental Divide* presents a thoughtful digest of historic differences between Canadian and American societies. Bibby, on the other hand, uses research data from the very recent past (much of which he has collected himself) to present a contemporary snapshot.

This difference in perspective may account for the contrasting tone of the books. Lipset, focusing on the advantages that Canadian society has enjoyed over the United States, writes measured, almost elegiac prose. Bibby, concerned with the contemporary crisis, is agitated and clearly worried. Lipset's main argument is that Canadian society "has been and is a more class-aware, elitist, law-abiding, statist, collectivity-oriented, and particularistic (group-oriented) society than the United States." The antistatism, individualism, populism, and egalitarianism that characterize American history have been decidedly less prominent in Canada. Where Canada has stressed the state and community values, the United States has featured the individual and laissez faire. In contrast to the United States' embrace of classical liberalism (in the nineteenth-century, individualistic sense of the term), Canada has fostered a public attitude stressing communalities, whether "Tory-statist" on the right or "social democratic" on the left. The reasons for these systematic differences are both geographical and

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historic. Canada's vast space and sparse population have required a more active government and have placed a premium upon cooperation. Historically, the rejection of the American Revolution, the presence of Quebec as a distinct community, the Loyalism strengthened by American invasions during the War of 1812, and the prosaic understatement of the Dominion's founding motto ("peace, order, and good government") have all tended to enforce organic as opposed to individualistic arrangements in Canadian life.

Lipset does recognize that contemporary Canada is changing, and he stresses the role of the new constitution in accelerating the pace of change. As he puts it, "the Charter of Rights . . . probably goes further toward taking the country in an American direction than any other enacted structural change, including the Canada-U.S. Free Trade Agreement. The Charter's stress on due process and individual rights, although less stringent than that of the U.S. Bill of Rights, should increase individualism and litigiousness north of the border." Yet developments in the 1980s do not shake Lipset from his basic conclusion. A preponderance of social indicators (e.g., a lower murder rate, fewer police per capita, a relative absence of civil disorder, a higher tolerance for taxes and government regulation, a willingness to support tight gun control) continue to convince him that the historic differences between Canadian and American society are still present.

Bibby reaches exactly the opposite conclusion. As he describes it, Canadian society has become more fragmented, more individualistic, and more aggressively preoccupied with self-fulfillment than even the United States. Indeed, he claims that his book about Canadian society was inspired by two well-publicized indictments of American life, *Habits of the Heart* by Robert Bellah and associates, and *The Closing of the American Mind* by Allan Bloom. "Inadvertently," Bibby thinks, "these Americans have provided critiques more appropriate to Canada than to the United States."

To Bibby, Canadians have embraced "excessive individualism" and "excessive relativism" to the point of self-destruction. He is particularly harsh with Pierre Elliott Trudeau, whose vision for Canada Bibby describes as limited to the promotion of tolerance and moderation. The sort of multicultural pluralism for which Trudeau still speaks (as in *Towards a Just Society*, edited with Thomas Axworthy, 1990) might be all right as far as it goes. But, says Bibby, "there is a danger":

> If there is no subsequent vision, no national goals, no explicit sense of coexisting for some purpose, pluralism becomes an uninspiring end in itself. Rather than coexistence being the foundation that enables a diverse nation to collectively pursue the best kind of existence possible, coexistence degenerates into a national preoccupation. Pluralism ceases to have a cause. The result: mosaic madness.

Flying in the face of Lipset's data, Bibby cites research to show that Canadians are less likely than Americans to volunteer time and money for communal causes, they participate less actively in institutions like churches, and they have few meaningful figures (past or present) who can be treated like national heroes.

At first glance, little seems to connect the conclusions of Lipset's *Continental Divide* and Bibby's *Mosaic Madness*. But, beneath the surface, there is a great deal. Bibby's historical sense, in fact, coincides almost exactly with Lipset's. He agrees that there may have been more communal spirit and practice in Canada than in the U.S., but only until recent decades. He is also fairly precise about when the modern situation developed and what it has meant:

> Since the 1960s, Canada has been encouraging the freedom of groups and individuals without simultaneously laying down cultural expectations. Canada has also been encouraging the expression of viewpoints without simultaneously insisting on the importance of evaluating the merits of those viewpoints. During the past thirty years, colorful collages of mosaics have been forming throughout Canadian life. Our expectation has been that fragments of the mosaic will somehow add up to a healthy and cohesive society. It is not at all clear why we should expect such an outcome.

Bibby is also confident that he can chart the stages in the fragmenting of Canadian public life. The first marker was the government's 1969 declaration making Canada officially bilingual. (In confirmation of his analysis, at least ten of the sixty paragraphs of the 1982 constitution concern the use of English and French as official national languages.) Then came a 1971 statement affirming Canada's multicultural character. This declaration has led to government agencies and funds explicitly devoted to promoting the self-consciousness of ethnic minorities. Finally came the Charter of Rights and Freedom of 1982 that institutionalized "mosaic madness" as the law of the land. Bibby is cautious about predicting the ultimate effect of the Charter, but its enactment at minimum "appears to reflect the growing sense of the importance not only of cultural groups in Canada, but also of the individual—with or without a group tie."

Lipset and Bibby, therefore, agree that recent social developments have altered Canada's historic frame of reference. This point of agreement, in turn, bears directly on the constitutional crisis. Where once Canada had been a nation committed to cohesive action by organic communities (including the national

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government), it now seems increasingly a society insisting upon ever more precise definition of social fragments and ever more strident advocacy of individual rights. If this transformation has indeed taken place—if, that is, the changes Lipset recognizes and Bibby spotlights have in fact gone as far as Bibby fears they have, then the origin of the constitutional crisis is plain. Provincial governments, native peoples, and linguistic or ethnic coalitions are simply following broader social trends in demanding their rights without much concern for the whole. To the extent that this change has taken place, the Americanization of Canada is pretty nearly complete.

IV

But before such a conclusion can be fully confirmed, the question of religion in relation to Canadian society must be addressed. To raise this issue, however, is to approach the most important understudied story in the religious history of twentieth-century North America. It is also to approach one of the central paradoxes in comparisons between the United States and Canada. Although its implications are complex, that paradox may be stated simply: in the United States a consistently high (and even rising) level of religious practice has been accompanied for more than a generation by systematic efforts to remove the influence of religion from education, the media, and public life, while in Canada, where religious practice has experienced a decline of staggering proportions since World War II, public life remains remarkably open to religious influence.

The 1982 constitution illustrates the paradox in a startling way, for even as that document promotes attention to individual rights at the expense of corporate existence, it also makes statements that are unthinkable in the American context (at least in the American context of recent decades). It would be a rare American, for instance, who would not be jolted by the first words of the 1982 document: "Whereas Canada is founded upon principles that recognize the supremacy of God and the rule of law . . ." A similar jolt would probably also be provided by the statement prefacing the enunciation of individual rights: "*The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.*" In both of these examples, Canada's constitution, which otherwise seems to imitate the American fixation upon rights, follows a more relaxed British accommodation to long-standing communal traditions.

Even more striking to Americans, for whom public schools have become war zones between the fastidious promoters of church-state separation and aggressive defenders of "traditional values," is the Canadian posture on education. While Canada has its own church-state conflicts with respect to education, the fact remains that the situation is very different from that in the United States. In Canada, provincial governments subsidize primary and secondary schools established by denominations, confessionally organized institutions of higher learning are incorporated into major public universities, and the school system in at least one province (Newfoundland) is organized completely on denominational lines.

The contrast between Canadian structural openness to religion and American constitutional squeamishness about "establishment" is striking enough by itself. But it is even more so, as has been noted, in light of the fact that Canada has maintained this openness to religion in public life while undergoing an astounding decline in actual religious practice. The reasons for that decline are far from clear, but its dimensions are unquestionable.

When public polling first began in earnest after World War II, Canadians were far more likely to attend religious services than Americans. The Gallup Organization has traditionally asked respondents if they have been in church or synagogue during the past week. In the United States the response to this question has remained remarkably stable for more than a half-century, with figures clustering between 40 percent and 45 percent (a low of 37 percent in 1940, highs of 49 percent in 1955 and 1958, and the most recent readings at about 44 percent). In Canada, by contrast, polls in the early years showed as many as two-thirds of Canadians in church on a typical Sunday, and still well over 50 percent by the mid-1960s. But in the late 1980s and early 1990s, the Canadian figures dropped to about 30 percent. The decline, which has hit Protestants hard, has been even more precipitous among Catholics. In 1955, the year of the first Gallup survey of Canadian religion, 93 percent of Quebec Catholics reported being in church the previous week, and over 80 percent of Catholics in Canada as a whole. By the end of the 1980s, these figures had dropped by about two-thirds.

A recent study of Canadian religious practice, written by Alain Barti and George Mori, in a publication from Statistics Canada, reports on a survey of 10,000 Canadians questioned in 1990. The question asked—did you attend religious services once a week or more during the past year?—was somewhat more demanding than the standard Gallup query, and so could be expected to produce lower totals. Nonetheless, its results illustrate the magnitude of the recent decline. Although over 86 percent of Canadians continue to identify with a religion (almost all some variety of Christianity), only 24 percent said they attended services at least once a week. The same survey reported that the number of Canadians claiming "no religion" increased from 10.4 percent in 1985 to 12.1 percent in 1990. However one counts, the message is clear. Participation in religious life by Canadians has

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declined massively over the course of one generation.

And the decline has been most rapid in Quebec among Catholics. Where in the United States Catholics continue to attend church more regularly than Protestants (though with a narrowing gap), in Canada rates of attendance are roughly the same. As recently as the early 1950s Quebec was not only the most church-going province in Canada but one of the most church-going regions in the whole world. Today, less than one-fourth of Quebeckers reported regular church attendance in the survey conducted by Barti and Mori.

Declines in church attendance in Quebec are, however, only one part, and maybe even a small part, of the religious changes that have overtaken that province since World War II. As an indication of the depth of Catholic culture in Quebec, for the century before 1960 the church maintained a steady average of one priest for every 510 parishioners. As late as 1941, there was one man or woman in religious orders (with two-thirds serving in the schools) for every 87 Quebec Catholics. Harbingers of a new situation, however, appeared during and after the war. In 1943, Quebec for the first time made education compulsory for all children, and during the war more and more people moved to the cities. Shortly thereafter cracks began to appear in the alliance of social and ecclesiastical elites, as, for example, when key church leaders in the late 1940s supported a strike by asbestos workers. In 1960, the same year as the Liberal Party's political triumph, Quebec's labor unions, which had always been Catholic organizations, broke their tie with the church.

What followed in the 1960s has sometimes been called "the Quiet Revolution," but it was a revolution nonetheless. The different voices calling for greater autonomy in Quebec over against Canada as a whole now spoke mostly about economic or linguistic distinctives rather than about Quebec's Catholic heritage. In 1964 a provincial Ministry of Education was created; for the first time in Quebec's history the Catholic Church was not in control of the schools. Criticisms of Catholic institutions of a sort once rarely heard were now widespread. Vocations to the priesthood and to the religious orders of men and women alike plummeted. Charles De Gaulle's 1967 visit from France, when he appealed publicly for a "free Quebec," added fuel to a fire that was already burning brightly. Almost overnight, it seemed, a stable synthesis of Catholic, French, rural, conservative, isolationist, and pre-capitalist values had disappeared. Earlier weaknesses in the church's response to modern intellectual problems and social arrangements, as well as the powerful post-World War II inroads of market forces, probably help to account for Quebec's rapid change. But no fully satisfying explanations for this extraordinary—and extraordinarily swift—revolution have yet been published.

In general terms, secularization has proceeded in the United States *alongside of* the fragmented, populist structures of American churches. In Canada, by contrast, it has *worked through* the communal, top-down structures of traditional Canadian society. The result has been a startling decline in the presence of religion in Canadian life.

V

But what does this mean? What is actually the connection between the decline of Canadian religious practice and recent social change or the constitutional crisis? The answer involves an academic detour and an irony. Precisely when religion seems to be losing its public importance in Canada—and presumably its capacity to act as a source of cohesive public ordering more generally—Canadian historians have produced a spate of solid works demonstrating the ways in which religion in Canada once provided conceptual foundations, practical purpose, and a remarkably powerful vision for public life. These works demonstrate that in the not-too-distant past religion provided just the sort of meaningful, public-spirited guidance for Canadian life conspicuously absent from the current constitutional situation. The recent books mainly concern English and Protestant Canadians, but among them are some solid studies which, although often focusing on recent changes in Quebec, also pause to outline the nature of things before the Quiet Revolution. One is a symposium edited by Yvon Desrosiers under the title *Religion et Culture au Québec: Figures contemporaines du sacré* (Fides, 1986). Several of the contributors to this volume describe recent changes in Quebec as a selective re-sacralization of family and self rather than merely the secularization of society as a whole. But other contributions also show how the church in the now-vanished Quebec of Roman Catholic tradition was a center for popular piety, stable norms of education, equipoise in the face of death, and inspiration (as well as constraint) for literature and the theater. The impression left by such reports is of a society that, however marred (at least to the view of an American Protestant) by an enervating provincialism, yet achieved stability and, even more important, cultural and political solidarity.

The number of works conveying a parallel message for English Protestant Canada has mounted rapidly in the last several years. The greatest outpouring of these books has concerned nineteenth-century Ontario, and the most comprehensive of the Ontario books is from the most magisterial of Canadian religious historians. *A Profusion of Spires: Religion in Nineteenth-Century Ontario* (Toronto, 1988) by John Webster Grant, professor of church history emeritus at Victoria College, University of Toronto, is a splendid survey. Grant reports on a century in which Ontario recapitulated the history that took over 250

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years to unfold in the United States, from a thinly populated frontier to a prosperous, secure, and highly developed civilization. Where in 1800 Ontario had barely 20,000 residents and only 25 ministers, in 1900 there were enough Ontario churches to seat every one of its 2,200,000 citizens, with a little space left over for visitors.

Grant does not neglect the role of Catholics in the development of Ontario, but he demonstrates that it was Protestant aspirations and Protestant principles that lay behind the dramatic transformation of Ontario from a frontier outpost to a paragon of advanced (if also self-conscious and insecure) civilization. Grant uncovers fully the pettiness that sometimes accompanied Protestant zeal, the utilitarian moralism into which Protestant faith could degenerate, and the consumerist complacency that came to attend much religious life. At the same time, however, he cannot hide his admiration for the sacrificial zeal, organizational energy, altruistic dedication, and spiritual power that made Ontario what it was.

The story that Grant paints on a large canvas has been nicely fleshed out in monographic studies by a number of talented younger scholars. William Westfall, *Two Worlds: The Protestant Culture of Nineteenth-Century Ontario* (McGill-Queen's, 1989), shows how an early dialectic between Methodist revivalism and Anglican establishmentarianism evolved smoothly into a strong Protestant synthesis in which both order and spiritual vitality nourished each other. Marguerite Van Die, *An Evangelical Mind: Nathanael Burwash and the Methodist Tradition in Canada, 1839-1918* (McGill-Queen's, 1989) highlights the contributions of the leading Methodist theologian in the years between the formation of the Dominion and the First World War, a churchman who was as comfortable promoting revival as he was establishing a university, and who, in addition, tacked with considerable skill between the torrential winds of both fundamentalism and modernism.

Michael Gauvreau, *The Evangelical Century: College and Creed in English Canada from the Great Revival to the Great Depression* (McGill-Queen's, 1991), broadens the perspective to take in the Maritime Provinces as well as Ontario. Gauvreau's conclusions are especially pertinent for modern questions of social and political order, for he shows the great staying power among Canadian Protestants of an "evangelical creed" compounded of biblical faith, Christian appropriation of science, Protestant interpretations of historical change, and activistic morality. As Gauvreau tells the story, this "evangelical creed" provided ballast for Ontario's intellectuals, but also grounded efforts to establish a durable Christian civilization in the Protestant regions of Ontario and the Maritimes. Like Grant, Gauvreau is not starry-eyed about the result, for he recognizes how this Protestant synthesis throve on antagonism with Quebec Catholicism and also bypassed critical intellectual problems that contemporaries in Britain (and even the United States) were confronting more directly. Yet like Grant again, he also conveys a sense of the socially stabilizing power arising from a religion that balanced heartfelt spirituality and culturally responsible intellect.

Further dimensions of Canadian Protestant civilization have been recovered by George Rawlyk, editor of the McGill-Queen's series in which several of these significant books appear, and himself a historian of the Maritimes. In several works, like *Wrapped Up in God: A Study of Several Canadian Revivals and Revivalists* (Welch, 1988), Rawlyk reveals how enduringly significant, for society as well as church, were the religious awakenings in the Maritimes at the end of the eighteenth century. The result of these revivals, sparked initially by Henry Alline, "the Canadian George Whitefield," was to provide communities of ordinary people in New Brunswick, Nova Scotia, and Prince Edward Island, usually gathered into Baptist or Methodist churches, with spiritual meaning for their individual lives and religious direction for an often difficult social existence.

In a recently published symposium, *The Canadian Protestant Experience, 1760 to 1990* (Welch, 1990), Rawlyk has drawn together five younger historians who provide a coherent account of a history that had not been told as comprehensively or as successfully for a generation. Among the many insights provided by this book's authors, the most striking to an American reader is the way in which the Protestant denominations provided much of the direction for Canada's social history. The details of the story of course change depending on which groups are in view, whether Angelicans, Methodists, Presbyterians, and Baptists in the nineteenth century; the United Church, which was formed by Methodists, Congregationalists, and a major portion of the Presbyterians in 1925; or the smaller evangelical bodies like the Christian and Missionary Alliance, the Pentecostal Assemblies of Canada, the Mennonite Brethren, and others that have recently become more important. But the capacity these groups have displayed to build culture while they practiced faith is a strikingly common theme throughout the book.

The message conveyed by this wave of historical scholarship should not be misconstrued; these authors are by no means engaged in depicting some vanished Elysium. Moreover, as modern professional academics, they are fully attuned to the ironical outcomes sometimes attending ardent religious practice, to the ambiguity toward women and the lower classes that characterized earlier decades more generally, and to the sometimes stultifying effects of intellectual complacency. Nevertheless, the overwhelming impression of these historical studies remains that, to the extent Canada once enjoyed the social advantages outlined by Seymour Martin Lipset, it enjoyed them because

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of the vitality, coherence, and social power of its religions.

VI

Without drawing any over-ambitious conclusions from all this, the following speculative chain of reasoning might be proposed: If there is a connection between the decline in Canadians' religious practice and the rise of an individualistic social mood; and if this individualistic social mood has helped to transform discussions of Canada's constitution into competition for self-interest; and if the practice of religion once was Canada's strongest restraint on the headlong pursuit of private interest as well as its strongest encouragement to social solidarity; then the main hope for Canada's constitution may be religious revitalization.

There are certain reservations to be made. For one, the religions that once gave social solidarity to Canadian life were also considered by their respective adherents to be antithetical to one another: Protestants feared and despised Catholics, and Catholics returned the favor. Whether it is possible, even at this late date in ecumenical understanding, to promote a generic public religion, or even a generic public Christianity, in a nation where Catholic-Protestant animosity was long a pervasive reality is not clear. Yet precedents are not altogether unfavorable. Canada elected a Roman Catholic Prime Minister, Wilfrid Laurier, more than half a century before the United States elected John F. Kennedy. One of the reasons this breakthrough could take place was because Laurier of Quebec and Protestant leaders in the ROC had learned how to negotiate.

Another reservation is that any appeal for religious revitalization in Canada must recognize that a simple Protestant-Catholic division of Canadian public life is also a thing of the past. In Canada as in the United States, modern Catholicism harbors almost as many "parties" under its one umbrella as there are competing Protestant groupings. The Ukrainian and Greek Orthodox are stronger proportionately in Canada than in the United States. Besides, Christian notions of justice, even more than contemporary multiculturalism, demand that the civil polity accord dignified respect to representatives of non-Christian religions, of which in Canada there are many (Jewish, Muslim, Sikh, Doukhobor, and more).

From a religious point of view, the most important reservation about calling for a revitalization of religion as a means to solve a political problem is the consequence for religion itself. As both Canada and the United States have experienced many times, the utilitarian exploitation of religion for civil purposes harms religion and paganizes society. On the other hand—and this is the ray of hope for the current situation—both Canada and the United States have also witnessed at least a few occasions when those who sought religion with their whole hearts also provided unexpected blessings for the polity as well.

In the face of Canada's constitutional crisis it is gratifying that, even if the big-time media have forgotten religion, voices can still be heard reminding Canadians of where they have been and what might still be possible. Thus Joe Clark, the Minister of Constitutional Affairs, agreed to meet on August 8, 1991, with an "Ad Hoc Interfaith Working Group on Canada's Future" made up of seven Christians, a Muslim, a Hindu, and a Buddhist. Afterwards, Clark said he hoped the vision of this group—to fashion a Canada that truly would be "a community of communities," instead of a Canada preoccupied with the crasser sort of power maneuvering represented by the Meech Lake Accord—could guide the constitutional debate. Citizens for Public Justice (CPJ), which comes from Canada's strong network of Christian Reformed Churches, has published a report echoing the Ad-Hoc group, with its expectation that current negotiations lead to "an overriding concern for justice rather than personal and institutional self-interest." And Jean-Claude Turcotte, the Roman Catholic Archbishop of Montreal, has expressed a general hope that, late in the twentieth century, can be read without the imperialistic connotations such words may have carried a century ago: "We desire a country whose most basic values reflect the gospel of Jesus Christ. For us, Jesus, the Son of God, is the light of nations. In Him, we find our hope and many of our reasons for living."

Reginald Bibby, whose work has done so much to underscore the drift toward self in modern Canada, nonetheless has well understood the history of his country. And so, at the end of *Mosaic Madness*, as Bibby ponders possibilities for Canadian society as well as the constitutional impasse, he turns in a traditional direction. At the center of his hope is "religion . . . Canada's sleeping giant." If, Bibby asks, religion can be a force for social cohesion *and* personal renewal in Eastern Europe, the Philippines, South Africa, and scattered locations in South America, why can it not work to the same ends in Canada? It might, he concludes, if religious leaders can speak with boldness *to* as well as *from* culture, exploit rather than simply bemoan the media, and, most important, renew the resources of faith to overcome the pall of individualistic relativism.

A tall order indeed. But in Canada at least, it has been done before.

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How To Restore Religious Freedom: A Debate

The March issue of First Things *included a Declaration in support of the proposed Religious Freedom Restoration Act by Professors W. Cole Durham, Jr., Edward McGlynn Gaffney, Douglas Laycock, and Michael W. McConnell. Because of the continuing debate over this important issue, the Editors solicited a number of responses to the Declaration. Herewith those responses and a concluding rejoinder by the Declaration's authors.*

Mark E. Chopko

When the Supreme Court decided *Employment Division v. Smith* (1990), the reaction among religious and civil liberties groups was swift and nearly unanimous: it was seen as a potential disaster for religious liberty (though its only immediate effect was to allow the State of Oregon to deny unemployment compensation to two drug counselors who were fired for using peyote, a hallucinogenic drug, in religious ceremonies). After *Smith*, some groups expressed the fear that the government would be free to penalize, punish, or prevent the exercise of religion without serious constitutional scrutiny so long as the law applied to nonreligious entities as well.

That was the fear echoed last month in these pages by Durham, Gaffney, Laycock, and McConnell. They speculated that the government might tell religious schools what to teach so long as it tells secular schools the same thing. They suggested that the government might require churches to hire gay clergy so long as it also requires businesses to hire gay managers. These professors even predicted that the government might force a Jewish athlete to doff his yarmulke so long as other athletes are forced to take off their gimme caps.

Some groups and individuals did not stop with such dire predictions and gross hyperbole. They asked Congress to enact a new statutory right patterned on the judicial test often used by the Supreme Court in some free exercise cases prior to *Smith*. They styled their bill the Religious Freedom Restoration Act (RFRA) and they got it introduced by Congressman Stephen Solarz of New York.

They chose which groups would be included in the drafting of RFRA and strictly controlled the drafting process. For example, they included a section claiming to leave the Establishment Clause unaffected by RFRA. When asked to delete the provision as unnecessary (RFRA speaks to free exercise, after all), one drafter admitted that its purpose was to try to preclude Catholics from using RFRA to gain a share of education assistance. Then, when others inside and outside the RFRA coalition raised questions about the finished product that had been presented to Congress, a new tactic ensued. Support for RFRA was equated with support for religious freedom—if you do not support RFRA, you are tarred with the accusation that you must be against the Free Exercise Clause. Even staunch defenders of the First Amendment were suddenly politically incorrect if they did not pledge uncritical allegiance to the RFRA solution to the *Smith* problem.

Many of those who support RFRA are good lawyers who recognize potential problems if it is enacted in its present form, but they have persuaded each other that this is their best opportunity to get Congress to adopt one particular First Amendment philosophy. As

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attorneys and legal scholars, they know that RFRA does not restore anything—the word "Restoration" in the title of the Act is an intentional misnomer of the first degree. Another drafter, however, has warned that this should never be stated publicly. Despite their intentional silence on this point, RFRA's drafters know that a statute enacted by Congress does not restore, amend, or modify the Constitution of the United States.

Just as the *Smith* decision did not erase the Free Exercise Clause from the First Amendment (no matter how many times RFRA supporters say it did), neither does RFRA add one iota to the constitutional rights of Americans (no matter how many times RFRA supporters promise it will). To the contrary, congressional enactment of a statutory free exercise remedy, such as RFRA, may inhibit the ability of litigants in future cases to attack *Smith*. This is so because courts routinely avoid deciding constitutional issues if they can dispose of a case under a statute or procedural rule. That is not to say that this possibility alone is reason not to employ some statutory fix to the *Smith* problem, but the fact is that the Supreme Court has not decided a free exercise case since the day it decided *Smith*, and no one, not even the backers of RFRA, knows how the newly reconstituted Court will approach its next free exercise decision, particularly if that next case involves something like government efforts to regulate ordination of clergy rather than criminal laws prohibiting the use of controlled substances. Indeed, there is already a conflict in the circuit courts of appeals about how to apply *Smith* and if it is limited to criminal matters.

Those orchestrating the RFRA campaign have thus made a tactical error in labeling RFRA a "Restoration" bill. Not only is it impossible for a statute to change constitutional law, but RFRA strategists know full well that prior to *Smith* the Court did not decide every free exercise case using the "compelling interest" test set out in the Act. Not surprising in constitutional jurisprudence, the Court had not locked itself into a single test to determine all free exercise claims. Even Professor McConnell, in his law review comments, has said that the Court had more often in recent years simply balanced the various interests against each other. Depending on the circumstances, the Court would apply tests other than compelling interest, as it did on a number of occasions. With free exercise claims that had not yet reached the Court, there was no assurance that only one test—the compelling state interest test enshrined by RFRA—would be employed to evaluate complex competing interests. Yet, under the guise of "Restoration," the public and the Congress are supposed to believe that RFRA's guaranteed application of the compelling interest test in all free exercise cases simply reflects the state of the law before *Smith*. This is not the case.

As noted above, the RFRA groups suggest that ordination of clergy by churches is the same thing as the hiring of business managers by corporations. Not only do they know better, but most of them would strenuously defend the constitutional right of churches to choose their own ministers (female, gay, or otherwise) and the Supreme Court would uphold it. They also know that, even under the *Smith* decision, government could not prohibit religious schools from teaching the faith even though, as now, there are extensive requirements placed on private schools. They even know that years before the *Smith* decision, members of the military could be constitutionally prohibited from wearing yarmulkes with their uniforms. RFRA's backers do themselves no credit by using such inflammatory but inappropriate examples in support of their cause.

Nor do they advance their cause by attempting to discredit sincere efforts by other religious groups and individuals to design a better statutory scheme than that offered by RFRA. The United States Catholic Conference, the editors of this journal, and others have appropriately raised legitimate concerns that the present RFRA will be used by some, not for protection from government intrusion, but to attack the rights of other citizens and religious groups. For example, some of the groups supporting RFRA regularly attempt to persuade the government to exclude religiously affiliated organizations from government programs aimed at social problems, such as education, homelessness, hunger, teenage pregnancy, and unemployment. They make no secret of their intention to use RFRA, if enacted, to further their goals and, as noted above, to preclude a contrary use by others.

Others have attempted to get the Internal Revenue Service to lift the tax exemption of churches with which they disagree on public issues. If RFRA is enacted, some may be tempted to do so again. Fortunately, four respected law professors have now said that "no one has standing to challenge another taxpayer's exemption, and there is no free exercise right to challenge governmental expenditures that do not coerce the believer's own religious practices." If that is indeed true, then as advocates for the RFRA coalition, those professors should have no objection to spelling it out in the express language of the Act. It would be pointless surplusage, in their view, but it would assuage substantial concerns about the intended uses of RFRA and gain support for the Act. Adding such language, in their opinion, would change nothing legally, but it would, appropriately, remove the threat that RFRA will be utilized for what the professors call "bad consequences." Unfortunately, RFRA does not now include such a provision and some RFRA supporters vehemently insist that they would oppose RFRA if such "legally pointless" language were included. To them, every free exercise claim (except as noted above) must be litigable under RFRA, even if this leads to "bad consequences." Could

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it be that these "bad consequences" are anticipated and desired by some? Why else would they cling so tenaciously to what the professors seemingly dismiss out of hand as meritless concerns?

There is one additional consequence engendered by RFRA that threatens the rights of others rather than shielding religion from government restrictions. There are those who would use the Religious Freedom Restoration Act to attack the right to life of unborn children. This issue is patently different from government programs and tax exemptions; not only is the right being attacked infinitely more precious, but the persons being attacked, the unborn, are completely defenseless.

RFRA proponents have finally acknowledged that the Act, if passed, will be used to seek access to abortions. Some pro-life RFRA supporters attempt to dismiss the risk to unborn children inherent in the Act by arguing (i) that the risk only arises if *Roe v. Wade* is overturned, (ii) that for twenty years courts have routinely rejected free exercise arguments for abortion, and (iii) that the justices prepared to overrule *Roe* will do so because the government's interest in protecting unborn life is compelling from the point of conception. These arguments are fundamentally flawed.

First, if enacted, RFRA could be used immediately to challenge state limitations on abortion even before *Roe* is overruled. Prior to the overruling of *Roe*, courts will be asked to recognize a religious claim to abortion under RFRA. Confronted with a proper challenge, courts might feel compelled, under standard rules of construction, to decide the RFRA statutory claim before addressing the constitutional privacy claim to abortion.

Second, courts have not routinely rejected free exercise abortion claims for twenty years. It is more accurate to say that federal courts have routinely decided abortion claims on constitutional privacy grounds and *not addressed* the constitutional free exercise claims on their merits. In the one significant federal case that decided the issue, the lower court held that abortion funding restrictions *did* violate the Free Exercise Clause; the decision was reversed on appeal, but on procedural grounds.

Third, while five of the current justices may have expressed dissatisfaction with *Roe*'s compelling state interest analysis at various times in different cases, in the recent *Webster* decision (1989), three of those justices expressed the opinion that *Roe* should be overruled by simply demoting abortion from a fundamental right to a liberty interest. A fourth, Justice O'Connor, has embraced an "undue burden" analysis under which prohibitions on access to abortion might not survive. Thus, the long-hoped-for reversal of *Roe* may not rest on a compelling interest analysis at all. If that is the case, RFRA's statutorily mandated compelling interest analysis, the most stringent of judicial tests and one that has provided no protection for the unborn for twenty years, might provide a new weapon for abortion advocates.

To counter the abortion issue, proponents of RFRA point, like the Ghost of Christmas Future, to dire consequences that may befall pro-life individuals and institutions if RFRA is not passed. Fortunately, these potential problems have been considered by Congressman Chris Smith of New Jersey, who has introduced his own Religious Freedom Act (RFA). Representative Smith's bill eliminates both the use of RFRA to attack the unborn and the potential consequences to those who defend the life of the unborn. It is a bill to which no one should object on this issue since, as the four law professors have opined, "the free exercise claims and arguments put forward by the pro-choice lawyers . . . would not be meritorious. . . ." Not surprisingly abortion supporters in the RFRA coalition have not adopted this same view, since it would be directly contrary to positions they currently advocate in litigation. Significantly, as the press has reported, some RFRA supporters hope and expect that a woman seeking an abortion allegedly out of professed religious scruples would be able to force a state to allow the abortion under RFRA.

There is something Orwellian about the dogged resistance of RFRA's backers to amendments that would improve the Act by responding to these legitimate concerns. At the insistence of some, RFRA drafters have already included in the Act a seemingly unnecessary provision relating to the Establishment Clause, yet they refuse to support other allegedly unnecessary amendments. While all players in the legislative process may appear to be equal, apparently some are more equal than others. The refrain that any amendment to the bill will kill it is often heard in Washington but rarely reflects reality. If a statute like RFRA will help protect the free exercise of religion from the heavy hand of an increasingly secular state, and do so without equally adverse consequences to the rights and lives of others, then everyone should be for it. No one, however, should settle for anything less than the best law that can be written given the current state of our knowledge of the legal landscape. As with most legislation, RFRA can and should be improved during the legislative process.

America's experiment with the free exercise of religion has stood for two hundred years on constitutional, not statutory, legs. It is not at all clear that the *Smith* decision, the only case of its kind in that two-hundred-year history, has so crippled religious freedom that it cannot recover without legislative intervention. Nor is it apparent that the congressional cure will be better than the *Smith* disease.

Yet many good, well-intentioned people sincerely believe that a quick statutory fix is just what the patient needs, and they may be right. They should be willing to admit, however, that legislation such as RFRA does

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not miraculously restore any constitutional rights; it merely props up the patient on new untested statutory crutches. Before asking anyone to support statutory free exercise, RFRA supporters have a solemn obligation to attempt to see, and remove, any hazards that lie beneath the surface of the Act. To do otherwise would be irresponsible.

James Bopp, Jr. and Richard E. Coleson

In their Declaration, Professors Durham et al. urge support of RFRA. As some of the "well-meaning lawyers on the conservative side of the spectrum" (in our colleagues' words) who "became suspicious" of RFRA, we offer the following response in defense of our position and to point out certain logical flaws in the argument of our esteemed colleagues.

We oppose RFRA because it could be used to create a statutory "religious" right to abortion. Abortion rights advocates have asserted for years that there is a free-exercise-of-religion right to abortion, an alternative to the privacy theory relied on in *Roe v. Wade*. With support eroding on the Court for *Roe*'s privacy theory, abortion rights partisans are seeking other moorings for an abortion right. The "religious" abortion right has been asserted in major abortion cases, such as the ones challenging the abortion laws in Guam, Louisiana, and Utah. However, asserting such a right in the Supreme Court under the Constitution shows little promise for abortion advocates. This is so because the Supreme Court said, in *Employment Division v. Smith*, that states need not demonstrate a "compelling" interest to justify incidental burdens on religious expression resulting from neutral laws of general applicability intended to protect the public welfare. While the Court might not be hospitable to a free-exercise-of-religion abortion right under the Constitution, it would have little leeway to exclude a "religious" abortion right from the scope of RFRA. The solution is to amend RFRA (or enact alternative legislation) to exclude an abortion right.

The danger posed by RFRA has been recognized by the organizations that have been most involved in the defense of pro-life policies in the courts, such as the National Right to Life Committee, Americans United for Life, and the U.S. Catholic Conference. A number of organizations, scholars, and legislators have expressed opposition to RFRA, some withdrawing previous support. These include William Bentley Ball (a long-acknowledged authority on free exercise of religion who won the landmark case of *Wisconsin v. Yoder*), the Rutherford Institute (specializing in free exercise and pro-life legal work), the Family Research Council (a division of Focus on the Family), and the Lutheran Church—Missouri Synod. Representatives Henry Hyde and Paul Henry (son of theologian Carl F. Henry), formerly prominent pro-life cosponsors of RFRA, have withdrawn their support, as have most other pro-life members of Congress.

It should also be noted that the position of Durham and our other colleagues contains certain flaws. First, given the fact that abortion rights activists assert that a "religious" abortion right must be recognized, it is puzzling why we are under attack. Why are not our colleagues who support RFRA attacking the ACLU Reproductive Freedom Project, the Religious Coalition for Abortion Rights, and other abortion-on-demand advocates for insisting on a statutory basis for a "religious" right to abortion as the price they demand for support of RFRA? Yet not a word appears in the article of Durham et al. about the intransigent behavior of abortion rights advocates.

Second, it is grotesque to concede that there is a "religious" right to abortion. Would we recognize a "religious" right to kill human beings simply because the killing constituted ritual human sacrifice? Of course there is no "religious" right to take human life recognized in our society. Abortion lacks even the religious aura of human sacrifice, yet there are now many organizations that argue there is a "religious" right to have an abortion. Shouldn't pro-life people resist the notion that there is a "religious" abortion right rather than simply conceding it?

Third, our colleagues presume that all rights are equal. But is that true? Is the right to life itself to be compared with a potential risk to certain forms of religious expression? At least in the eyes of the law, the right to life is the supreme right, the sine qua non, the right without which one has no other rights. Would it be right to sacrifice the right to life of unborn children to protect our right to religious expression without possible inhibitions?

While Durham and company posit various ways in which religious liberty could be curtailed by neutral, generally applicable statutes affecting the public welfare, it should be noted that, at a minimum, persons so affected have a political remedy. Many belong to religious organizations with sufficient clout to gain exemptions to the laws. Others will gain such exemptions simply from the general decency of the people participating in the democratic process. And, of course, neutral laws of general applicability designed to protect the public welfare would not affect religious belief at all and would also not affect most religious expression. After all, the *Smith* case, from which these problems flowed, simply held that the Constitution does not protect in a special way partaking of hal-

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This is not to say that important religious expression could not be affected absent something like RFRA. It is to say that persons so burdened would have some democratic resources. By contrast, if a "religious" right to abortion is specially protected by law, the unborn will have no possible remedy.

Fourth, in dramatizing the potential for burdens on religious expression absent RFRA, Durham and his fellow authors downplay the threat to the life of unborn children. For example, they claim that "religious" abortion rights "claims were routinely rejected even by pro-choice courts, even before *Smith*." This is not accurate. Most courts did not reach the free exercise claims because they decided abortion cases on an abortion privacy theory before reaching other constitutional theories. That is different from rejecting the theory. However, at least one federal court has embraced such an analysis. See *McRae v. Califano, 491 F supp. 630, 741-42* (E.D.N.Y. 1980). (On appeal the Supreme Court held that plaintiffs did not have standing to make this claim, not that the claim was rejected.) Moreover, it is clear that the "religious" abortion right claims would not be limited to the so-called "hard" cases, but would encompass large numbers of women.

The threat is very real that other courts would recognize such a right under RFRA because, while RFRA "does not mention abortion" (as Durham et al. declare), there is no reason to think that the blanket language of the bill would not provide a basis for such claims, especially since key sponsors and supporters of RFRA have said unequivocally that RFRA includes a religious liberty right to abortion. A "proposed committee report" prepared by the "RFRA drafting committee" proposed the following language to be made part of the legislative history of RFRA in a congressional colloquy: "RFRA could not be invoked to challenge the bare existence of restrictive or permissive abortion laws, *but it could be invoked by persons who for religious reasons wish to obtain,* or not participate in, *abortions where a law imposed contrary restrictions* or obligations" (emphasis added). Samuel Rabinove, Legal Director for the American Jewish Committee, an organization among the most active in lobbying for RFRA, declared to the press that abortion for religious reasons is "a matter of religious belief and conviction" equal to other free exercise interests.

Furthermore, one member of the "RFRA drafting committee," Forest Montgomery of the National Association of Evangelicals, has opposed an abortion-neutral amendment because he believes it would be "unconstitutional" to exclude such claims under RFRA. Montgomery has taken the position that such claims are proper and opportunity to raise them should be preserved. With such arguments even from usual supporters of the pro-life position, a finding that the legislative history of RFRA supports assertion of a "religious" abortion right is likely. Moreover, refusal to exclude abortion from RFRA—not because the Act already excludes abortion but because we have to recognize "religious" abortion rights to keep a coalition together—would enhance the legislative history supporting abortion rights under RFRA.

Some argue that a Supreme Court that overturns *Roe* would not be likely to accept another basis for "abortion rights." However, there is no assurance that an RFRA abortion case would ever reach the U.S. Supreme Court, and many lower federal courts and state courts have already demonstrated hostility to abortion restrictions. Further, this argument confuses constitutional interpretation and statutory construction. If RFRA is enacted, a court considering a claim of a "religious" right to abortion would not be deciding the claim under the Constitution. The court would decide such a "religious" abortion right claim solely under RFRA, and the decision would be based solely upon the intent of Congress. This is demonstrated by the decision of the Supreme Court in the recent decision in *International Union, United Automobile, Aerospace & Agricultural Implement Workers of America v. Johnson Controls,* wherein the court considered whether a corporate policy of barring fertile women from jobs where they could be exposed to lead violated Title VII of the Civil Rights Act because it constituted sex discrimination. In striking down the policy, the Court declared: "Decisions about the welfare of future children must be left to the parents who conceive, bear, support, and raise them rather than to the employers who hire those parents. *Congress has mandated this choice* through Title VII, as amended by the Pregnancy Discrimination Act" (emphasis added). Given the already developed RFRA legislative history, more that would be developed, and the support of radical pro-choice legislators and groups for RFRA, there is a strong likelihood that the current conservative Supreme Court (if it considered an RFRA abortion case) would simply follow the will of Congress and interpret RFRA to include a "religious" abortion right.

Durham and our other colleagues assert that even if a "religious" right to abortion is recognized under RFRA, the statute would require the state to show a "compelling interest" to restrict such "religious" expression. They claim that the Supreme Court will likely overturn *Roe v. Wade* soon on the basis that the states have a compelling interest in protecting unborn human life that outweighs a woman's constitutional abortion right. They argue that, having found such a compelling interest with regard to the Constitution, the Court will find that interest applicable to "religious" abortion right claims under RFRA.

However, assuming that the Court overturns *Roe* soon (as opposed to prolonged erosion of the decision),

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it is more likely to do so by declaring that there is no fundamental constitutional right to abortion than by recognizing a constitutional right to abortion but declaring that it is outweighed by compelling interests. Therefore, the Court might never reach a holding that there is such a compelling interest.

Moreover, and more importantly, the sole question in litigation of religious claims against state abortion statutes would be what Congress intended. There is no evidence that the supporters of RFRA, most of whom support the radically pro-abortion Freedom of Choice Act, believe that there is a compelling interest eliminating a right to abortion. In fact, since they believe RFRA encompasses a "religious" abortion right, the conclusion must be that Congress finds no compelling interest limiting abortion, and the fact that the state of the law under *Roe* recognizes none would affirm this interpretation of congressional intent. Moreover, even if a compelling interest were found, there would be protracted litigation over whether every abortion statute meets the second part of the RFRA test, i.e., whether an abortion-restrictive statute is narrowly tailored to effect only the compelling interest.

Last, Durham and company pose a false dilemma: "To demand amendments [such as one excluding abortion] would guarantee that RFRA will not be passed," i.e., pass RFRA or risk losing your rights of religious expression. This has not yet been proven. Pro-life forces recently succeeded in winning an abortion-neutral Civil Rights Restoration Act. We need to expose the outrageous position of abortion rights advocates, who would hold hostage free religious expression in their pursuit of abortion on demand, and bring political pressure to bear on them, not the pro-life movement.

Rather than supporting RFRA at any cost, some pro-life leaders are searching for alternatives. Top pro-life leaders in the House of Representatives have introduced H.R. 4040, the Religious Freedom Act (RFA), an alternative to RFRA. While both acts would replace the Supreme Court's current free exercise of religion analysis with an analysis more protective of religious expression, RFA would do so without risking the lives of unborn babies. The first cosponsors of RFA, introduced November 26, 1991, were Reps. Chris Smith (R-N.J.), Henry Hyde (R-Ill.), and Alan Mollohon (D-W.Va.). Eighteen more pro-life representatives, some of whom had previously supported RFRA, promptly became cosponsors.

In sum, the risk to unborn children is real and grave. Pro-life people should not support RFRA as it now stands. We should not buy freedom from democratic control of certain forms of religious expression with the lives of unborn children.

William Bentley Ball

Professor Durham and his colleagues are pro-life and pro-religious liberty. Their description of the evils of the Supreme Court's *Smith* decision is as frightening as it is accurate. Perhaps their most important point is their stress on the relationship of the *Smith* decision to the protection of our traditional values—among these, of course, pro-life values. It is, however, important to note that the "broad spectrum" of supporters of the original Solarz version of RFRA to which they refer is balanced by other, equally enthusiastic, supporters of religious liberty—including the United States Catholic Conference, the Lutheran Church—Missouri Synod, and a great many other pro-life groups that are flatly opposed to RFRA unless it is amended.

The authors imply that any attempt to amend the present (Solarz) RFRA proposal will kill the bill. But almost nothing gets through the Congress without amendment. Before we panic at the warning that our religious liberty is over and done with unless the proposed RFRA is kept scot-free of amendments, we should pause. Amending bills does not, contrary to the authors' warning, typically lead to so many amendments that it becomes "impossible to stave off demands for other special amendments." If that were so, we would never have legislative enactments. Everything depends on what members of Congress, and even more, the general public, think about the issues involved. There is usually a salutary give-and-take in the evolution of legislation. The authors' warning that the Solarz version of RFRA must not be questioned is disturbing but unreal.

In my view the present RFRA should be amended in respect to the one thing on which RFRA is centered: the concept of "compelling state interest." RFRA as now drafted says that its aim is "to restore the compelling state interest test." It also contains a section called "Definitions." I would add to that section the following: "As used in this Act . . . the term 'compelling state interest' includes the supreme interest of society in preventing the taking of innocent human life through abortion."

While the Solarz bill supporters will at once decry my proposal, saying that politically it will sink the RFRA, I would suggest the better approach would be *first* to examine the proposal on its merits, and only *then* weigh it politically. Political considerations aside, who would disagree with the foregoing exclusionary definition of "compelling state interest," especially in view of our appalling national crisis—the killing of 1.2 million unborn human beings a year? Is it not strange to be talking about "compelling state

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interest" while ignoring that fact?

Suppose that some cult in the nation were murdering masses of members of a targeted ethnic group each year. Suppose, further, that their religion justified this. Would anyone but the cultists object to an RFRA that would exclude such killings from the concept of "compelling state interest"? The authors might well answer "Yes. Since the claim to do so is religiously based, we must allow the courts to apply, even to the most bizarre religious claims, the 'compelling state interest' test; we can't create a law that discriminates among religions; *all* must have their day in court under standards affording equal treatment." Without developing the point here, I can only say that if the term "religion," as used in the First Amendment, is so loosely defined as to embrace a principle of killing innocent human beings, that definition should be deemed constitutionally invalid. (In *Reynolds v. United States* [1879] the Court said that a religion that calls for human sacrifice has no constitutional protection.)

The authors, however, tell us that religious claims for abortion would be few and, anyhow, readily dismissed. This is a highly dubious conclusion. First, since 1963, "religion," in the First Amendment context, has been taken by the courts to be a very broad term. The Supreme Court, in *Harris v. McRae* (1980), strongly implied that if a woman opposing an abortion-restrictive statute could prove that it offended her religion, she would have standing to press that claim. If the Court overrules *Roe v. Wade*, or greatly limits its effect, it is to be expected that "abortion-right" groups will take widespread advantage of the broad avenue of religious abortion claims. If the Solarz version of RFRA is adopted, abortion-restrictive laws will have to cross the high "compelling state interest" hurdle when attacked on religious liberty grounds. Is it predictable that our judges will find such laws justified by such an interest? The reality is that a very large number of federal and state judges who have dealt with abortion cases over the past twenty years have come down with pro-abortion rights decisions even where *Roe v. Wade* did not require them to, and even where, years after *Roe*, Supreme Court rulings have plainly allowed various state restrictions on abortions. They have, in other words, been resolutely liberal in favor of pro-choice women and their pressure group sponsors.

To repeat: who would oppose the definition of "compelling state interest" that I propose? Recent national polls (e.g., that of the Wirthlin Group in 1990) strongly indicate that a majority of Americans would answer "Yes" if the question were posed to them: "Do you believe that it is extremely important for our society to protect the innocent human life of the unborn from destruction by abortion, except in those rare instances in which the mother would lose her life?" That suggests an answer to the political claims of the authors (and the almost frenzied insistence of the Solarz supporters) that an RFRA containing the slightest mention of abortion could not fly.

The proper political position of those eager to see adoption of an RFRA is to press the question to every member of Congress: *If you agree with most Americans that it is terribly wrong to destroy unborn life, and if you are sincerely in favor of religious freedom, do you not support a bill that protects both?* That question would provide not so much a picture of who supports abortion as of who really supports religious liberty. This would demonstrate, in vivid relief, the fact that RFRA has in major part been pushed by a coalition of religious groups several of whose concerns over religious rights is so secondary to their concern for abortion rights that they will hold RFRA hostage to their pro-choice agenda. That public exposure, in the face of the growing nationwide revulsion over abortion and over the strident tactics of the pro-choicers, should assure passage of an RFRA that protects liberty for all.

Robert A. Destro

Even if the only problem with the Religious Freedom Restoration Act (RFRA) were its potential to give judges new excuses for legalizing abortion or revoking the tax exemptions of churches that do not toe a politically correct line, adopting RFRA in its present form would not be a good idea. But there is a far more substantial problem with RFRA. To borrow the words of Professor Durham and his colleagues, RFRA is *itself* "a mistake of both principles and tactics."

It is a mistake of principle because it does not, and by its very nature and terms cannot, "restore . . . the right [of all Americans] to carry out our duties to our Creator in accordance with our many religious faiths." It is a mistake in tactics because playing "broad coalition" politics makes sense only when there is broad agreement regarding the nature of the problem to be solved. This is not the case with religious liberty questions. The questions surfacing within the RFRA coalition are a symptom of a much deeper problem in both the coalition and its brainchild.

The judiciary, government bureaucracy, and private sector have indeed become increasingly hostile to legitimate religious liberty claims, but this was a problem even before *Employment Division v. Smith*. Legislative or private sector attempts either to accommodate religious believers, or to leave them blissfully alone, were also regularly ignored, challenged, or invalidated on non-establishment or statutory grounds.

It is important to be clear: I wholeheartedly agree

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that something must be done to restore religious liberty to its appropriate constitutional status. But it is also important to be clear about the nature of the problem before proposing a solution, especially an open-ended one like RFRA.

What is remarkable about the "broad spectrum" of individuals and organizations supporting RFRA is that they often find themselves at odds before the Court in religious liberty cases. What one faction within the coalition might perceive as a "free exercise" or "accommodation," another will view as "an establishment of religion." (The Equal Access Act is a good recent example.)

The compromise language of RFRA itself bears witness to the lack of agreement among the coalition partners regarding the meaning of religious liberty, its status in the Constitution, its character and relationship to other liberties, and its role in a democratic society. In fact, the only thing the partners really do agree on is the importance of liberty in the lives of ordinary people.

As a result, those who wrote the Act have deliberately chosen to leave the protection (and definition) of religious liberty in the hands of the very same black-robed shamans they charge with having made such a mess of it in the first place. RFRA's operative provision—the "compelling state interest" test as understood prior to *Employment Division v. Smith*—is an essentially standardless judicial balancing act that invariably produces discriminatory outcomes in free exercise cases. The only reason there is agreement on its use is that no one knows what it means. The courts have yet to define what makes a state or federal interest "compelling," and like the late Justice Potter Stewart (who knew "hard core pornography" when he saw it), each member of the RFRA coalition can identify a "compelling" interest on sight. That, in fact, is precisely what Justice O'Connor did in *Smith*.

Had the federal judiciary not undertaken the Herculean task of devising a set of constitutional rules that purport to define a "proper" or "ideal" relationship among a secular state, a community of institutions and believers that defines itself in religious terms, and a diverse mix of institutions and individuals that define themselves in a variety of nonreligious ways, we might not be in this fix. But, unlike the framers of the Constitution itself, they tried—and here we are.

After *Smith*, we are, democratically speaking, on our own. The Court has told us that if religious believers want exemptions from generally applicable laws, those exceptions must be defined by our elected representatives. For those who have grown accustomed to placing their faith in the ability of the United States Supreme Court to keep religious freedom within what they view to be constitutionally tolerable bounds, the sudden transition to participatory democracy comes as quite a shock. (Hence, the concern about tax exemptions.) Others, the RFRA "skeptics," are not surprised. *Smith* was the culmination of a trend, not its beginning. So if ever there was a need for clear thinking about religious liberty, it is now.

RFRA advocates have done a good job of shifting the blame for the sorry state of policy governing religious liberty onto the Supreme Court. I would argue a different proposition: that the late Walt Kelly's cartoon character Pogo had it right. "We have met the Enemy, and it is us!"

The federal judicial role in shaping societal attitudes toward religious liberty is significant, but not controlling. Though it can make cases easier or harder to file through manipulation of the rules of standing, and though its decisions affect public perception, the Supreme Court is not ultimately responsible either for the general lack of respect for religious freedom and diversity in all levels of society, or for specific acts of government officials that violate our civil rights. The fact that things are so bad when litigants do get to court points to a failure of vision and leadership on the part of the activists and academicians on whom the courts rely for guidance. Judicial decisions reflect the philosophical disarray within the ranks of their self-styled *amici curiae*.

Thus change begins, as a recent best-selling self-help book suggests, with consideration of the sage words of Albert Einstein: "The significant problems we face cannot be solved at the same level of thinking we were at when we created them."

It is time, I submit, to take responsibility. If we want to protect religious liberty, we should do so explicitly. Laws can and should be written so that there is no doubt whatever as to either the scope or the applicability of the religious liberty guarantee.

RFRA, by contrast, guarantees only litigation. Its explicit affirmation of the pre-*Smith* case law affirms a multitude of bad practices, while doing little to help those who really need it. (It would not even help Mr. Smith.) What it does do is enable members of the coalition to continue blaming the judiciary.

Like Russian apparatchiks, American advocates of religious liberty have come to appreciate the benefits of central planning. There are clear winners and losers in litigation; one need only get five votes to win; and the losers pay your attorney's fees! In a democracy, neither outcomes, alliances, nor political support can be taken for granted—especially if the issue is as important as religious freedom.

The task is even more formidable when, as here, there can be no compromise on principle. We who advocate for religious liberty are at a disadvantage of our own making in the political arena. We have failed to make the case that freedom of religion and conscience are just as essential to the functioning of a democratic society as freedom of speech and the press. We have failed to make protection of religious liberty a political issue in its own right because of the "religion in politics" bugaboo, and we have permitted

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the media and "minorities" (however defined) to claim the politics of the First Amendment as their own. Now we are paying the price.

So if there is to be legislation protecting religious liberty, the coalition must either reach some agreement on an appropriate definition of the concept (including its relationship to the free exercise, non-establishment, and equal protection guarantees), or fall apart. Only then will its members be prepared to enter the political "marketplace of ideas" and sell their respective visions of the common good.

A clear message should not be very hard to sell either. The First Amendment itself is the product of an American public that is now, and has always been, religiously committed to religious liberty. Though much of the public is today shamefully ignorant about the place of religion on the scale of constitutional values and in the daily lives of many religious minorities, the sheer number of statutes protecting religious belief and practice currently on the books demonstrate that public instincts are good. The public is not the problem. It is the *coalition* that is divided over the meaning of religious liberty.

Unlike Solomon, whose wisdom was demonstrated by a threat to cut a child in two, the Supreme Court and some members of the coalition seem to believe that freedom of religion can survive if sliced into two political principles set in opposition ("tension") to one another: "freedom from" (the Establishment Clause) and "freedom to" (the Free Exercise Clause). Section 7 of RFRA would enshrine that "tension" in the statute law of the United States by doing precisely what Professors Durham et al. suggest: "enact[ing] only the principle of free exercise" and leaving the rest to litigation. Under current Establishment Clause doctrine, their proposal will guarantee that religiously based claims for accommodation will continue to be subordinated to the interests of an increasingly aggressive secular state.

The irony is that the only justice who has written eloquently about the nature of this problem is Justice Scalia. Though his decision in *Smith* has been widely condemned as nothing less than the "repeal" of the Free Exercise Clause, I believe that his critics (who should know better) are trying to hold the bearer of bad tidings responsible for their own lack of vision.

Justice Scalia performed two significant public services in *Smith*. First, and most important, he told the truth. By the time *Smith* was argued and decided, religious liberty as an independent constitutional value was already a dead letter. The "hybrid" cases that survived *Smith* prove the point: religious liberty interests can be protected only by describing the liberty involved as one the Supreme Court does take seriously. Further incantation of the phrase "compelling state interest" in *Smith* could not revive the corpse. RFRA's incantations cannot "restore" it either.

The real culprits are the justices who view themselves as the guardians of what Justice Blackmun has called "secular liberty." The rationale of Justice Brennan's opinion in *Texas Monthly v. Bullock* (1989), which held that legislatively enacted religious exemptions from generally applicable laws are unconstitutional, made the result in *Smith* inevitable. Though different in form from the drug-policy exemption sought in *Smith*, the tax exemption for religious publications invalidated in *Texas Monthly* was no different in substance: it cost the state money, and made it easier for religious individuals and organizations to practice their religion. The only difference between *Smith* and *Texas Monthly* is the theory of the case. The result, however, was identical: religious liberty lost.

Justice Scalia's dissent in *Texas Monthly* (joined by the Chief Justice and Justice Kennedy) is a ringing endorsement (and I use the term deliberately) of protecting religious liberty for its own sake—a course that would be forbidden by RFRA.

> Just as the Constitution sometimes requires accommodation of religious expression despite not only the Establishment Clause but also the Speech and Press Clauses, so also it sometimes permits accommodation despite all those Clauses. Such accommodation is unavoidably content based—because the Freedom of Religion Clause is content based.

Scarcely the words of justices who are antagonistic to religious liberty, these lines suggest two alternative ways of responding to the decision in *Smith*: (1) passage of specific exemptions to laws identified as burdensome to religious belief or practice; or (2) legislation making it clear that in cases of arguable conflict with other liberties (including the non-establishment guarantee), free exercise should be given priority.

But there would be a problem with either of these alternatives under Section 7 of RFRA. In their attempt to preserve the status quo ante *Smith*, the drafters also propose that Congress affirm the view that the Establishment Clause limits, rather than complements, the Free Exercise Clause. In *Texas Monthly* Justice Scalia described the problem as follows:

> The machinery employed by the opinions of Justice Brennan and Justice Blackmun is no more substantial than the antinomy that accommodation of religion may be required but not permitted. . . . By saying that what is not required cannot be allowed, Justice Brennan would completely block off the already narrow "channel between the Scylla [of what the Free Exercise Clause demands] and the Charybdis [of what the Establishment Clause forbids] through which any state or federal action must pass in order

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> to survive constitutional scrutiny." The proper lesson to be drawn . . . is quite different: If the exemption comes so close to being a constitutionally required accommodation, there is no doubt that it is at least a permissible one.

Since it is a virtual certainty that laws providing exemptions specifically designed to accommodate religion will be challenged under the Establishment Clause by some members of the "broad coalition" supporting the RFRA and supported by others, the Court will be forced to make a choice between their competing visions of religious liberty.

So my first suggestion for Professor Durham and his colleagues is this: stop pointing the finger at your natural allies. The problem lies not with the suspicion of those condescendingly described as "the well-meaning lawyers on the conservative side of the spectrum [who] became suspicious," but with the members of the coalition who will walk out if the non-establishment and equal protection components of religious liberty are put on the table for discussion. Their institutions and individual members are the least likely to find their moral principles (religious or otherwise) "in conflict with the doctrines of the secular state," and, given the present imbalance in the law, it is they who have the most to gain under RFRA. Take Section 7 out of RFRA as proposed, and there is room for constructive (albeit difficult) negotiations. Leave it in, and RFRA will be a guaranteed disaster for religious liberty.

Like the "hair of the dog" after an evening's binge, RFRA seems useful as a short-term remedy only because the alternative is so unappealing. It makes no difference in the short term that the Free Exercise Clause, as interpreted by the Court, provides no refuge. The cases filed by advocates of "traditional values" invariably lose anyway. Perhaps we should seize the moment, take heart from the Ninth Amendment ("The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people"), which assures us—just as it did the framers themselves—that we need not live with a crabbed federal vision of our rights, and pass legislation specifically designed to protect religious freedom. When our (former) coalition "partners" sue to have the legislation declared unconstitutional, we can respectfully urge the justices to tell us which liberty prevails: the specific (religious) or the general (that of "substantive due process"), and for whom: "minorities" (however defined), or everyone. Only then will we find out if religious liberty, equal protection, and the Ninth Amendment are really dead, or merely in a judicially induced coma.

That is why my final suggestion to Messrs. Durham et al. is that they should face facts and admit that RFRA is the product of an unholy alliance of convenience and necessity, not principle. The issue here is not abortion or taxes, it is the flawed vision of religious liberty written into RFRA itself.

Justice Scalia has argued, correctly, that "it is not right—it is not constitutionally healthy—that [the] Court should feel authorized to refashion anew our civil society's relationship with religion, adopting a theory of church and state that is contradicted by current practice, tradition, and even our own case law." Unless and until the members of the coalition are prepared to discuss the entire panoply of religious liberty issues under the Constitution, they should do nothing. The First Amendment's admonition that "Congress shall make no law" makes a lot of sense when the alternative is "to enact only the principle of free exercise, and to leave all disputes about applications of the principle to litigation." A crabbed judicial view of religious liberty is what got us into this mess in the first place. It will most certainly not get us out.

Raul F. Yanes and Mary Ann Glendon

Our misgivings concerning the proposed Religious Freedom Restoration Act arise from the fact that it would perpetuate two seriously mistaken understandings about the religion language of the First Amendment just at a time when a Supreme Court majority seems on the verge of working its way out of the doctrinal morass that their predecessors created from the 1940s through the 1970s.

The misunderstandings to which we refer are, first, that the amendment contains an "establishment clause" and a "free exercise clause" that are at odds with one another; and, second, an excessively individualistic view of religious freedom that neglects its associational and institutional dimensions. Many supporters of RFRA have been vigorous critics of decisions produced by the artificial division between the free exercise and establishment provisions in religion clause case law. Yet RFRA would tend to lock in the deep sources of the interpretive trends that friends of religious freedom and traditional values have found most disturbing over the years.

The Constitution's religion language reads, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof. . . ." The Supreme Court's misinterpretation of these words began in the 1940s when the Court first applied the Constitution's religion guarantees against the states. Before that time, the language had restricted only the

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federal government, and the states had been left with a free hand in regulating church-state interaction. The initial religion cases considered by the Court in the 1940s were framed as individual free exercise claims. In these early cases, the Court employed a balancing approach, weighing the infringement on an individual's interests in being free of state interference against the burden that an exemption would place on the state's regulatory interests. The Court had no occasion to, and did not, consider in any depth the connections and interplay between the free exercise and establishment provisions of the religion clause. The issue of the applicability of the First Amendment's establishment language to the states did not reach the Court until after it had proceeded for several years as though free exercise and establishment had no necessary connection with one another.

By that time, the Court was susceptible to the argument that the establishment provision represented its own independent set of values, a set of values sloganized in a phrase that is nowhere to be found in the Constitution: separation of church and state. With little or no support from text, history, or tradition, the Court proceeded to introduce three new ideas into religion clause jurisprudence: that the establishment provision was meant to create a "high and impregnable wall of separation" between religion and the government, that it was to be broadly construed to prohibit *all* government aid to religion, and that government was required to be strictly neutral as between religion and nonreligion. Historical scholarship has since exposed the lack of foundation for these interpretive flights, but not before they had become deeply entrenched in the case law.

The simplistic "wall" metaphor, by positing separationism as an end in itself, drove a wedge between the free exercise and establishment provisions and created the appearance of tension between them. The free exercise language was read to require the government to act (or not) in certain ways so as to protect religious freedom. The establishment language, in contrast, was read to require government neutrality towards and separation from all things religious. These two doctrines were logically inconsistent and, not surprisingly, produced largely separate, irreconcilable bodies of case law. The establishment provision, originally meant to be in the service of religious freedom, was thus turned against it. What seems to have paved the way for this remarkable inversion of meaning was the inability of Court majorities to grasp that, for millions of Americans, religious freedom is "exercised" within worshipping communities. The justices lost sight of the fact that the religion language of the First Amendment protected individuals' free exercise, not only when they were alone, but in their religious associations and institutions.

During the 1960s, the Warren Court adopted the strong "compelling interest" test for free exercise cases that RFRA now seeks to restore. This test required the government to produce strong justification for any law that infringed an individual's free exercise right. At the same time, however, the Court continued to undermine religious freedom by taking separationism to absurd extremes in what it characterized as establishment cases. (Consider *Aguilar v. Felton* [1985] where the Burger Court struck down a Great Society program that for nineteen years had operated successfully to provide remedial services to impoverished special-needs students in New York City's public and private schools.)

Thus the Court's apparently strong commitment to free exercise was quite limited in scope, for during the 1960s and 1970s Court majorities usually gave a narrow construction to free exercise, neglecting its associational and institutional aspects. These important dimensions of religious freedom further suffered from the Court's broad construction of the establishment language. The net effect was to regularly subordinate the free exercise of religion to the policy of enforcing a rigid separation of church and state. The Warren and Burger Courts occasionally deviated from this course in order to protect the associational free exercise of members of small religious groups. But they were much more rigorous in their application of separationist principles against religions with larger followings.

Happily, a majority of the members of the current Court now appear to have concluded that the religion jurisprudence of the past fifty years is seriously flawed and in need of rethinking. Not so happily, five of the justices subscribed in *Employment Division v. Smith* to an approach that seemed to represent a drastic curtailment of free exercise protection. A broad coalition of persons concerned about religious freedom therefore joined in supporting legislation that would require the Court to return to its pre-*Smith* approach under which governmental authorities could not restrict "any person's free exercise of religion" absent a "compelling interest." But by providing that nothing it contains will affect the "establishment clause," RFRA freezes into statutory form the interpretive error that the First Amendment contains two "clauses" with divergent purposes that are often in tension. And the reference to "any person's free exercise" tends to obscure the fact that for many individuals, free exercise has a social dimension.

If we shared the view that *Smith* does in fact represent the decisive abandonment by the Court of judicial responsibility for protecting free exercise rights, we would be more sympathetic to the effort that RFRA represents. Reasonable friends of religion and traditional values differ, however, in their assessment of the significance of *Smith*. In our view, *Smith* does not constitute the Court's definitive new approach to the religion language of the First Amendment. The case law is in a period of flux, as the Court reexamines

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a body of law that took over forty years to reach its present tangled state. We believe and hope that *Smith*'s apparent insensitivity to free exercise concerns will come in time to be understood as mainly explicable in relation to the particularly important public purpose implicated by the case (the war on drugs). If we are correct, *Smith* is a detour, rather than a landmark, on the way to a more coherent interpretation of the First Amendment.

In this light, RFRA would be a substantial impediment to the comprehensive reexamination of religion clause case law that the Court now seems prepared to undertake. By locking in the flawed assumptions of the past, RFRA would diminish the chances that the Court will at last proceed to read the two religion provisions together in the light of their overarching purpose to protect freedom of religion. It is only by explicitly rejecting the artificial division between the "free exercise" and "establishment" language and by rethinking the case law based on the crude wall-of-separation metaphor that the Court can restore the religion language of the First Amendment to its proper role—the protection of the religious freedom of all Americans. Thus, before we enact legislation like RFRA, the new Court majority should be allowed a reasonable opportunity to extricate itself and the country from a labyrinth of error that was decades in the making.

W. Cole Durham, Jr., Edward McGlynn Gaffney, Douglas Laycock, and Michael W. McConnell

This is an argument among friends and colleagues. The several critics of RFRA who write in this issue are people we respect and usually agree with. Each of us has written briefs or tried cases in support of the critics' positions on some of the issues that cause them to have doubts about RFRA; between us, we have supported them on every issue they raise. That history of cooperation and mutual respect deserves to be underscored, especially when the argument gets intense.

The argument is about tactics in a common cause. The argument is also about an old proverb: the perfect is the enemy of the good. RFRA is a very good bill, but it cannot be enacted if we each pursue our individual vision of the perfect bill.

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The five articles illustrate the disparity of those individual visions. These authors cannot agree on a bill among themselves, even though they all come from a rather narrow slice of the religious and political spectrum. Ball wants an amendment that defines a compelling interest in unborn life. Bopp & Coleson and Chopko want an amendment that cuts off abortion claims before they reach the compelling interest issue. Chopko wants amendments on tax exemption and public funding of religious institutions; the other four responses express no interest in those amendments. Destro begins by dismissing the abortion and tax exemption arguments as insufficient reasons to oppose the bill.

Yanes & Glendon and Destro want to eliminate the establishment clause disclaimer. But Yanes & Glendon want a vague open-ended bill, or even no bill at all, so the courts can work out a new synthesis. Destro thinks the only solution is to argue out every religious practice and every government interest and pass a very specific bill that defines exactly how far religious liberty extends for each religious group in America. (Does he really think that religious liberty will generally win in head-to-head fights on specific issues with aroused interest groups?)

This discord arises just among a small group of conservative Christians, most of whom are Catholic. Now extrapolate that discord to a coalition that includes Protestants, Jews, and Mormons, and liberal as well as conservative faith communities. The drafting difficulties are immense, even before you include the secular civil liberties groups.

A solution to these difficulties emerged from many long drafting discussions. No one was excluded from those discussions; Mark Chopko participated actively, although he could not accept the final product. The coalition's solution was to enact the one point of widespread agreement—laws that restrict religious practice should be forbidden unless they meet a high standard of justification—and to say nothing about any other issue, leaving the arguments on those issues exactly where they stood on the day before *Smith*. No group agreed to surrender one iota of its position on abortion, public funding, or any other controversial issue. But all those supporting the bill agreed not to use this bill to try to gain some new advantage on those other issues. This is a principled strategy, and one that most faith communities have been able to accept.

Equally important, it is a strategy that works to the benefit of the traditional-values movement on issues such as abortion and public funding. Statutory silence leaves the constitutional aspect of those issues in the hands of the federal judiciary, and not in the hands of Congress. The judiciary is now much more conservative than Congress; and it is reluctant to invalidate state laws and practices on any theory.

Almost everyone agrees that the Court's expansive

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interpretations of the Establishment Clause and of abortion rights will not continue into the future. The most recent decision on public funding, *Bowen v. Kendrick*, upheld grants to religiously affiliated organizations under the Adolescent and Family Life Act. All the recent decisions on abortion have limited the right, and virtually everyone now expects *Roe v. Wade* to be overruled. The judicial future is not with activist judges appointed by Carter and Johnson; it is with deferential judges appointed by Reagan and Bush. Victories on establishment and abortion do not have to be won in the text of RFRA; those victories are coming in the judiciary anyway.

This fundamental strategic choice—to legislate one key principle and say nothing about anything else—is the key to most of the objections raised by RFRA's critics. We briefly discuss each group of objections.

The Establishment Issues. The bill contains a disclaimer: "Nothing in this Act shall be construed to affect, interpret, or in any way address that portion of the First Amendment prohibiting laws respecting the establishment of religion." This language does not freeze current establishment clause doctrine; it leaves that doctrine free to develop unaffected by RFRA. Mark Chopko drafted the key verbs—the Act shall not "affect, interpret, or in any way address" establishment issues. The bill does not even assume that the Establishment Clause is a separate clause. The circumlocution about "that portion of the First Amendment" leaves open Yanes & Glendon's claim that there is only one religion clause, with two participial phrases serving a common purpose of religious liberty. Arguments will continue about the purpose of the establishment clause or phrase, and about specific issues like public funding and school prayer. In the current judicial climate, conservatives will win most of those arguments.

The whole RFRA coalition shares Yanes & Glendon's concern about the rights of religious communities. RFRA protects the rights of any "person," and "person" is a defined term in the United States Code. "Person" includes corporations, associations, and societies, as well as individuals. RFRA would therefore protect religious associations, including churches, synagogues, and denominational bodies whatever their structure. RFRA rejects the individualist bias in the judiciary's understanding of religion.

The strangest argument is Destro's fear that the establishment disclaimer somehow *forbids* exemptions for religious practice. The whole point of the bill is to *require* religious exemptions. The Court unanimously upheld legislative exemptions for religious practice in *Presiding Bishop v. Amos*, and in *Smith* it openly invited legislatures to enact such exemptions. RFRA would do so.

The Abortion Issues. Religious claims to abortion are also left where they were on the day before *Smith*, in the hands of a new judicial majority appointed by pro-life Presidents. One source of judicial hostility to *Roe v. Wade* is the belief that the state's interest in unborn life is compelling; the defense of compelling interest will be explicitly available under RFRA.

Another source of judicial hostility to *Roe* is the belief that the general language of the Constitution does not say anything about abortion, and that judges should not manufacture controversial rights out of vague language. RFRA does not say anything about abortion either, and conservative judges are no more eager to manufacture rights out of vague statutory language than out of vague constitutional language. Some of RFRA's critics fear that the judges who reject *Roe v. Wade* will somehow find an abortion right in RFRA and then defer to it. That fear misunderstands the motivations for judicial deference and distorts the distinction between constitutions and statutes.

In any RFRA challenge to state abortion legislation, there would be serious doubt whether abortion was really a religious practice within the statute, but there would be no doubt whatever that abortion was illegal under the specific language of the state statute being challenged. Moreover, RFRA itself says that the state statute should prevail if it serves a compelling interest. Conservative judges defer to legislatures because they believe that judges should not make law. Judges would not make law by upholding the specific terms of a state anti-abortion statute; they would make law by striking down that statute pursuant to the much less specific language of RFRA.

We do not mean to suggest that specific state statutes will generally override RFRA. Where the judges have no difficulty recognizing the practice as religious, and where the state's claim of compelling interest is not so strong as the interest in protecting unborn life, the general language of RFRA will provide broad protection for religious liberty. But judges know that Congress is as bitterly divided over abortion as the rest of the country. Judges cannot plausibly read this general language as a congressional decision to override specific state claims of a compelling interest in fetal life. A decision to invalidate abortion laws under RFRA could not be attributed to Congress; it would be precisely the sort of judicial activism that this Court abhors.

Whether judges should prevent legislatures from regulating abortion has been the single most important jurisprudential issue of the last twenty years. The justices know what they think about it. They are not going to change their mind when lawyers shift their reliance from constitutional clauses that say nothing about abortion to a statute that says nothing about abortion.

Bopp & Coleson fear that the *Johnson Controls* case somehow shows that judicial deference to statutes could lead to abortion rights under RFRA. But *Johnson Controls* is wholly consistent with our analysis. In *Johnson Controls*, there was very specific statutory language making it illegal to refuse to hire

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women because of sex or pregnancy. There was no statutory language protecting against risks to unborn babies, and there was no generally applicable exception for compelling interests. There was an exception for cases where sex is a "bona fide occupational qualification." That language most naturally referred to ability to do the job, although the Court might have stretched it to cover any relevant consideration, including health risks to employees' children.

The Court enforced the specific language against refusing to hire women; it did not stretch the occupational qualification exception to override the specific prohibition. If *Johnson Controls* is relevant at all, it is to show that in cases of doubt, the Court defers to the most specific legislative statement. In a RFRA challenge to abortion laws, that would be the state law prohibiting abortion—the only statute that would indisputably apply.

The legislative history will not indicate that the bill creates a right to abortion. The lead sponsor will confirm that the bill is neutral on abortion. Broad pro-life support for the bill will itself be powerful evidence that the resulting Act is not pro-abortion. The more pro-life supporters, the better for the pro-life side; courts cannot plausibly interpret a statute supported by both sides as silently resolving major issues about abortion. We only hope that pro-life opponents of RFRA do not play into the hands of the other side and make their prophecies self-fulfilling. Supporters of abortion rights must smile when they read the Bopp & Coleson analysis of religious rights to abortion.

Bopp & Coleson misinterpret isolated passages of proposed legislative history. The proposed legislative history would say only that each side can make its arguments about abortion, just as each side could make its arguments under the Free Exercise Clause before *Smith*. Bopp & Coleson do not quote the sponsor's unqualified statement, in the same proposed colloquy, that "the Act will not resolve the abortion issue one way or the other, nor will it give any special advantage to either the pro-life or pro-choice position."

Unfortunately, both sides have reservations about the proposed legislative history, and no joint statement or colloquy has yet been accepted for insertion into the record. The difficulty of drafting language even for legislative history confirms the wisdom of the coalition's agreement that the bill itself should be silent on abortion. Silence can be neutral, leaving both sides where they were; but it would be impossible to agree on neutral statutory language.

Why Not Pressure the Other Side? The coalition *has* pressured the other side. The left wants a provision specifying that abortions are protected by RFRA, that public funding to religious institutions is forbidden by RFRA, and that tax exemptions are just like public funding. The coalition said no. The left does not get their positions codified; they only get to keep arguing to unsympathetic courts. Neither the religious nor the secular left is happy about this, but they have been willing to accept statutory silence.

Similarly, most conservative and pro-life religious organizations have been willing to accept statutory silence. Of course they would like to codify their views on abortion and establishment, but they have accepted the right to continue those arguments in the courts. Because the conservative position will usually win in the courts, the coalition's strategy is better for the right than for the left.

Readers should also understand that not all resistance on these issues comes from abortion rights advocates. Agudath Israel, the Orthodox Jewish group that has been an active part of the pro-life movement, insists that Jewish teaching mandates abortion in certain narrowly defined and exceptional cases. Any state prohibition of abortion likely to be enacted will have exceptions for the cases that matter to them; they do not expect to rely on RFRA. But neither can they accept Christian coalition partners dismissing their sincere religious teachings as officially unworthy of respect. Their loyal support for the pro-life movement, over the objection of most other Jewish organizations, entitles them to consideration in return.

Will Amendments Kill the Bill? We study constitutional law; we are not experts on legislative politics. We report what we have been told by experienced lobbyists for religious organizations. A bill with broad support from religious and secular organizations has a reasonable chance of enactment. A bill codifying conservative positions on abortion, public funding, and tax exemption will draw intense opposition, and there is no experience to suggest that the conservative religious lobby could prevail over such opposition in a Democratic Congress.

The experience of the Equal Access Act is instructive. The Equal Access Act went nowhere when it was a bill to protect voluntary student prayer groups, supported only by the religious community. When it became a bill to protect all student groups, supported by a coalition of religious communities and secular civil liberties groups, and when amendments were tightly limited to protect the deal that the coalition had struck, the bill passed by lopsided margins in both houses. The Equal Access Act is not perfect, but the Supreme Court construed it to give broad protection to student prayer groups. The Equal Access coalition won a great victory for religious liberty.

RFRA presents the same choice. The coalition can pass a bill; the conservative religious community alone cannot. As of late January, RFRA has 135 cosponsors; the competing bill has 18. Only four members have shifted their support from RFRA to the competing bill.

Is the Danger of* Smith *Exaggerated? We discuss the dangers of *Smith* in our original article, with real

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examples from real cases. The Court spurned Justice O'Connor's attempt to decide it as a drug case; instead, the Court held that suppression of a worship service requires no justification. Ball agrees that our account is frightening and accurate; Destro says religious liberty is dead or comatose; Yanes & Glendon say *Smith* is a drastic curtailment of religious liberty; Chopko agrees that we need a bill to override *Smith*. There is no disagreement about what *Smith* says, but Chopko and Yanes & Glendon hope that maybe the Court will change its mind.

This is mostly wishful thinking. The Court may create exceptions for a few especially appealing cases, but it will not flinch from most of the terrible implications of *Smith*. *Smith* was not an accident; it flows directly from the Court's fundamental philosophy that judges should not interfere with legislative decisions. Justices Rehnquist, Stevens, and White have been urging the *Smith* rule for years. Two of the *Smith* dissenters have already retired. So far as we are aware, no lawyer with a client before the Court has even asked the Court to reconsider *Smith*. Everyone has found it more promising to try to fit within some arguable exception. No one has yet succeeded.

Will RFRA Help? Even before *Smith*, religious claims were mostly losing under the compelling interest test. Destro fears that the same judges who refused to enforce the Free Exercise Clause will refuse to enforce RFRA; they may find that every law serves a compelling interest. This is a far more realistic fear than the fear that judges will run amok and enjoin abortion laws or public funding of religious institutions. Critics whose main fear is overbroad interpretations by overactive judges are still fighting the last war.

Even so, RFRA would make a real difference, at least with respect to practices that judges and bureaucrats can recognize as religious. However the courts interpret it, RFRA would give churches and believers a legal theory and bargaining leverage in disputes with government agencies. The experience of lawyers representing religious communities is that officials often grant exemptions rather than go to the trouble of proving a compelling interest.

Moreover, RFRA might reinvigorate the compelling interest test. The bill would reaffirm congressional commitment to First Amendment values; it would signal that Congress affirmatively wants the courts to protect religious practices. The bill recites that the compelling interest test is the test of *Wisconsin v. Yoder* and *Sherbert v. Verner*, both older cases in which the Court protected religious minorities. The Court has responded to such congressional signals in the past, providing strong statutory protection to replace weak or nonexistent constitutional protection, even when political divisions made it impossible to write detailed statutory language. The Equal Access Act and the various Voting Rights Acts are clear recent examples.

The danger is great; the remedy is promising; only one bill has a chance to pass. Ninety-eight percent of a loaf is better than none; do not let hope of the perfect destroy a real chance for the good. F1

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Review Essay

The Question of the Sign

Ben F. Meyer

SIGNS OF THE TIMES: DECONSTRUCTION AND THE FALL OF PAUL DE MAN. By DAVID LEHMAN. *Poseidon Press/ Simon & Schuster. 318 pp. $21.95.*

David Lehman's book on deconstruction has the rare quality of being better than its jacket blurbs and prepublication puffs. It is more than "lively and engaging" and more than "highly readable." True, it is "lively, carefully documented, quietly devastating"; but over and above these accolades, Lehman's *Signs of the Times: Deconstruction and the Fall of Paul de Man* has the merit of sending a powerful stream of light and hope onto a discipline currently betraying signs of advanced acedia: tedium, ill-humor, depression—inarticulate whispers of some impending end.

The title, *Signs of the Times,* contests the claim of Jacques Derrida that "the question of the sign" is not to be confused with "a sign of the times"; more to the point, "signs of the times" alludes to an essay of the same title by Thomas Carlyle, who in 1829 complained that theory was debasing art, and treating it as a species of masonry. "Wonder," wrote Carlyle, "is dying out. . . ." But, he added, if we look calmly about us and discern the signs of our own time, we create the opportunity of adjusting "our own position in it." For Lehman, the same holds true today.

This is a piece of wisdom, not solemn but cheering. It takes up George Orwell's dismissal of "the half-conscious belief that language is a natural growth and not an instrument which we shape for our own purposes." Lehman has issued a call to order, to a free self-orienting act of return to renewed sanity, imagination, reason, and responsibility. The call is serious and eloquent.

It is also crushingly cogent. Again and again, the project of deconstruction, moving in one direction by the "performance" of exposition or argument, and in a diametrically opposite direction by rejecting the possibility of accurate exposition and valid argument, nullifies its claims by this flat self-reversal.

Nevertheless, the *word* "deconstruction," at least, has become irresistible. Political columns, the sports page, the parlance of the avant-garde (and increasingly of the merely literate) have taken it over. Lehman, besides bearing witness to how it originally functioned in the work of Derrida, sums up deconstruction in ten commandments: "All the world's a text," "Presence is absent," "The author is dead," "History is bunk," and so on. He traces its immediate origins and cites critiques mild and harsh by sundry scholars and thinkers. Finally, the second half of the book takes up the scandalous case of Paul de Man.

De Man, sometime chairman of the departments of English and of Comparative Literature at Yale, was the leading literary exponent of deconstructionist theory in America. To him, deconstruction went far beyond its uses as a critical instrument. Shortly before he died in 1983, he told a colleague, "The stakes are enormous"—a judgment truer than could well have appeared at the time.

The de Man scandal broke in the United States on December 1, 1987, when the *New York Times* published the story of de Man's wartime articles in *Le Soir,* formerly a leading national newspaper in Belgium that had been converted by Nazi collaborators into a propaganda sheet after the Belgian debacle of 1940. Paul de Man, aged twenty, and (as we now know) the nephew of Hendrik de Man, a Belgian fascist who came into his own when the Germans took over Belgium, wrote for *Le Soir* from the end of 1940 until November 1942. Since the story broke, it has also come to light that when de Man left Belgium in 1948, he left his business and father bankrupt, and abandoned a wife and three children.

The peculiar interest attaching to these revelations derived from their relation to deconstructive theory and practice. De Man's disciples and colleagues drew on deconstruction in a long effort to render harmless his pro-Nazi articles, especially the anti-Jewish column of March 4, 1941. Meantime, de Man's critics took up a theme that had already been adumbrated by the critic Denis Donoghue as early as 1980, before de Man's death and long before the de Man scandal broke. In a piece in the *New York Review of Books* Donoghue had protested against the dehumanizing of literature, the reduction to "pure linguistic functions" of the voice of

> someone [Rousseau] talking about his own experience, accusing himself, justifying himself, and so forth. De Man can't bear to hear that voice . . .: he wants to see a machine working without human intervention.

Applied rigorously, this critical tack would, said

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Donoghue, demolish in advance all the questions raised "in morality, ethics, politics, and psychology."

The posthumous debate on de Man and his personal record, then, inevitably turned into a debate on his theory. It seemed all too understandable that de Man, out of that keen self-interest retrospectively evident in his early career, should have seized on and developed a theory calculated to wipe out the themes of guilt and confession, themes that haunted his most influential criticism. "De Man's life," Lehman observes, "is almost made to order for a worldview holding that language is 'an unreliable process of knowledge production.'" In other words, the worldview was made to order for the life.

Like others before him, Lehman distinguishes between hard and soft deconstruction. Hard deconstruction is deconstruction as the deconstructionists themselves describe and apply it. "Soft" deconstruction, on the other hand, would reduce deconstruction to instrumental status. As such, it becomes just one more resource that any critic is free to draw on selectively. This is probably what the legacy of deconstruction will turn out to be—cool, free-spirited, skeptical rhetoric, distantly reflecting that odd, alienated, ideological period in American university life, the 1980s.

The soft version recalls Wayne Booth's effort in *Critical Understanding* to find a way of turning the dead loss of hard deconstruction to some limited profit. Booth attempted to show what a non-deconstructionist might draw from the movement, once it was stripped of its "totalizations" and "necessities." Lehman is both clear about hard deconstruction and judicious in assessing and commending the soft version, whereas Booth was too polite to confront hard deconstruction on its own terms, too loath to exclude it from the pluralist pale. A dining companion had once told him: "What you should be doing is taking on those French crazies, head-on." Booth preferred the role of the non-ruler-out, which ended less in judicious discrimination than in evasion. (Booth denied the harsh fact that there may and do exist among us mental and spiritual horizons that are irreducibly opposed, though he had had no scruples about taking apart Bertrand Russell's incoherences. Respecting deconstruction, he seemed at ease with the congenial-seeming illusion that all disagreements can be made to progress toward a solid and happy resolution.) Soft forms of deconstruction may be worth considering, but hard deconstruction is what counts, and it cannot be treated with full satisfaction in commonsense terms.

This points up a single shortcoming in Lehman's volume that diminishes its power: the absence of philosophy. Deconstruction is the product of philosophers. Lehman has provided ample evidence of how Jacques Derrida, chief philosophic patron of the movement, having more than enough rope to hang himself, has repeatedly obliged by hanging himself higher than Haman. This he has achieved through the numerous self-canceling acts that Lehman has acutely noted. But by working exclusively on a commonsense basis, Lehman has not put himself in a position to specify the points at which deconstruction *guarantees* its eventual self-reversal and so fails as a philosophy.

This is what must be done if one is to kill the snake, not scotch it. We should begin by reminding ourselves not to be impressed by the ploys of the intellectually irresponsible, those, namely, who do not permit themselves to be shaken by self-reversal. This is simply blindness: self-reversal (sometimes described as "sawing off the branch you're sitting on") definitively discredits the propositions that suffer it. One may propose the internally consistent statement: "We cannot know what is really and truly so." But look what happens when we make thematic the act of proposing this theme: "I am telling you what is really and truly so, when I say that we cannot know what is really and truly so." Here the speaker performatively affirms what he thematically denies.

Lehman describes the incoherence in question as "syntax" vs. "content." This is true, but "performance" vs. "content" is more basic and precise, for syntax, like language generally, depends on the performance of mental acts, which are just what language expresses. The real root of this self-reversal is not syntax but the nature of the act of proposing a proposition: to intend truth. The nature of the act does not keep the proposer from erring or lying; it merely fulfills the condition of the *possibility* of erring and lying.

The premises of deconstruction guarantee such self-reversal by their lack of interest in and close attention to the workings of human intelligence. Our own appeal to these workings will draw on the philosophic component in the work of the Catholic thinker Bernard Lonergan.

An old friend, one in whose wide culture all his friends take pleasure, told me once as we walked in the countryside what he didn't like about the followers of Lonergan. "One of them asked what I thought of *Method in Theology*. I said it seemed to me a good book. He was indignant. What more did he want? I said it was *a good book*."

I sympathized with both my friend and the Lonerganian, but I do know why the Lonerganian had not been pleased. The one thing that *Method in Theology*, like its predecessor, *Insight*, cannot be is just a good book. If these works are wrong, they are a snare and a delusion. If they are right, they are the *magna charta* of a great enterprise, one likely to engage thinkers and scholars over an indeterminately long period in the future. An instance of their usefulness, meanwhile, is an issue like the present one, deconstruction and what's wrong with it.

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The first among the main things wrong is its immersion in an inauthentic current of thought, one that would prefer to get along without coherence with the world of fact. Nietzsche included among his maxims and assorted opinions the repudiation of the pure desire or drive to know, for the ego, he argued, was at stake in our opinions and this (nothing else) was the source of our so-called "intellectual conscience." Again, "the falsest judgments" were the most "indispensable" to us, and the falsity of a judgment was not to be held against it, so long as it was . . . life-furthering! And if Heidegger made clear his contempt for arguments pointing out the incoherence of a given theme with the act of proposing it, we should remember that his choices were few. When one is confronted with the evidence of self-reversal, dismissal is the only alternative to retraction. The skeptics of antiquity were a more decent lot. They had only to speak, and there was Aristotle, convicting them of doublethink *and reducing them to silence.* Deconstruction had the (ultimately bad) luck of learning from Nietzsche and Heidegger to dismiss compelling argument with a cool flick of the wrist.

Self-reversal shows that, as prospective knowers, we are ordered from the start to truth. Hence, the supposition of our equal or neutral orientation to truth and falsity is illusory. Moreover, our orientation to truth is at once the condition of the possibility of knowledge and an orientation to knowledge as a good. More, it is intrinsically life-enhancing, since, first of all, it attunes us to the world and, second, prompts the fruitful question of whether the world, too, is ordered to the good.

Nietzsche was acutely aware of the foundational status of the drive to truth. Unless it were challenged and discredited, denial of the possibility of objective knowing, e.g., of correct interpretations, would not hold. Reading could not be reduced to the simple importation of meaning to the text being read. It would not be possible to discredit the enterprise of history. But once we are disembarrassed of the pure desire to know, it is possible to maintain that intellectual conscience is sheer bias, and self-reversal, "trivial." Meantime, Nietzsche, Heidegger, and Derrida have all expected to be read in accord with their intended meaning, and have complained (sometimes passionately) when readers failed to oblige: one more perfect example of self-reversal.

Some of the "main things wrong with deconstruction" recall Carlyle's complaint about wonder dying out. What are we doing when we give ourselves over to wonder? We are on our way to poetry or philosophy or both. Wonder, in any case, is a response transcending the cognitive capacities of animals. It is a pivotal moment in properly human knowing. It begins with what one sees or hears or tastes or imagines or remembers, but it goes beyond all these to *the question.* We make our wondering thematic in questions, and we need only examine our questions to discover that wonder is not only not limited to the seen or heard, the imagined or remembered. It can go beyond the actual to the possible, and beyond the real to the ideal. If we posit any limit at all on wonder, we may go on to wonder about the limit, about whether it holds, and about what might lie beyond it. So step by step we find imposed on us the freedom of wonder, its utter unrestrictedness. By wonder we set ourselves in relation to anything and everything, the possible or the actual, the merely logical or mathematical, the finite or infinite. Wonder is our window on the all. It is our intending of being in any and all of its modes.

Contrast the senses. We see what is colored, on condition that the eye is functioning and the colored object is lighted. We hear what sounds. We take apart and put together in imagination sights we have seen and sounds we have heard. But we cannot see sounds, nor hear colors, nor imagine mathematical definitions. Wonder is different. If sight both intends and attains colored lighted objects, wonder intends the whole realm of being—and the acts that follow up on questioning, i.e., question-answering and answer-checking (provided that the answers are intelligent and the checking of them rigorous), *attain* it. Such is the realism that runs from Aristotle through Aquinas down to our time, the point at which Lonergan formulated it critically.

We should linger a moment over these claimed oversights and omissions of deconstruction. How have we managed to elude the Kantian law of limits? We began by observing that wonder is an unrestricted act of intending; that, made thematic by questions, it is satisfied when the questions are satisfactorily answered. Now we add that Kant overlooked something. A crucial aspect of the experience of wonder is that by it we are immediately related to whatever we wonder about. Immediate relation of subject to object is not, then, restricted to sense knowledge, for wonder is irreducible to the sphere of the senses. It is dependent on sense knowledge, but finds, "reads," something new in it: some need or call for intelligible unity or relation. Questioning, as the mere making-explicit of wonder, shares in the immediate relation to objects as intelligible, to all orders of objects, not only logical entities, mathematical ideas, and imaginary figures, but to that whole order of the real that all such objects of wonder suppose. This grounds the possibility of cognitively *attaining* the real. The possibility is converted into actuality whenever questions about the real terminate in judgments that are rigorously reasonable, so showing that a given act of understanding was and is accurate.

The theme of language evokes another "main thing wrong with deconstruction." Language allows us to communicate our wonder, our questions, our discoveries, our life to others and to learn of their reactions, experiences, counterquestions, and counter-

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answers. It is a peerless mode of communication, at once a resource we make use of and something like a world we share with others. Orwell seized on the first of these two aspects when he spoke of language as "an instrument which we shape for our own purposes." He was aware of the second aspect, as well. But he was entirely free of the temptation to misconceive it, as Heidegger did, as autonomous. According to Heidegger, language "speaks" (*die Sprache spricht*). Derrida and the deconstructionists followed Heidegger, deliberately collapsing the distinction between language as such and the particular utterances by which we, and only we, make it determinate.

Of course, this act of making language determinate calls for some skill. At its best, it is an element of style. The test of lucidity, as Evelyn Waugh defined it, is whether a statement can be read as meaning anything other than what it intends. The art of the deconstructionist is to make "style" meaningless, except as a feature of deconstructionist reading. The trick is to show that *anything* can be read as meaning something other than what it intends. Lucidity is illusion.

But this deconstructive thesis is burdened by a drawback: it is, once again, self-reversing. For the deconstructionist hasn't a hope in the world of holding his audience or readership unless he exhibits just those traits that the theory contends are impossible. The essays in *Deconstruction and Criticism*, which brought the theory to attention in America in 1979, not the least enjoyable of which is the essay of Derrida, are sometimes witty, for the most part lucid, always or nearly always perfectly decipherable—virtues that inadvertently reveal the recurrent vice of deconstructive theory, its fatally self-reversing denial that such virtues are possible. What holds for writing holds furthermore for reading. Our only way of finding out from the deconstructionists about their theory lies in our performing just those acts of construal that deconstruction repudiates as, if not impossible, then hopelessly naive.

The root of this particular self-reversal lies in the confounding of the traits of language as such with the traits of the particular utterances that constitute discourse. But why would anyone seize on this possibility? The answer seems to be that many of us are in flight from the existential subject. In his posthumously published notes on Heidegger, Karl Jaspers pondered "the forgetfulness of the Self" that was the peculiarly Heideggerian form of the forgetfulness of being. For all his fierce attention to the existentials that qualified human existence, Heidegger from the start of his philosophic career was in full flight from the subject. This is what accounts for what William Barrett has called "the hole at the center" of Heidegger's view of the human being, as well as for a certain "desolate and empty quality" in the thought of Heidegger as a whole.

But why? Why this flight from the subject? Was there some inner demand for it set up by the basic terms and relations in Heidegger's thinking? Was the omission requisite to the system? The question, whether posed of Heidegger or of Derrida, is perhaps unanswerable. It turns on whether the end result in the thinking of the one or the other was determined by his resolutely following, step by step, a track into the unknown; or whether the end result was present from the outset, beckoning, summoning decisions in its favor, shaping the premises of argument, bending them toward the abyss.

This mysterious evasion, or flight, or deflection from the subject has a history well before Heidegger. The Scotists and nominalists fastened on the will; Kant on practical reason; the pragmatists on results. But, as Lonergan put it:

> Results proceed from actions, actions from decisions, decisions from evaluations, evaluations from deliberations, and all five from the existential subject, the subject as deliberating, evaluating, deciding, acting, bringing about results.

It is as if the I and its fortunes, always at stake in deliberation and evaluation, in decision and in action and in their results, was charged with some ultimately dreadful dimension, and that we all somehow know this. What is this dimension? It has to do, it seems, with the hunger of the human subject to be, and with the fear that such being is somehow threatened by the acts of the subject as subject. The flight tends toward what Barrett calls the death of the soul.

Deconstructive theory, though neither true nor deep, has exercised an undeniable charm. It recalls Plato's *Phaedrus*, and the charm that Lysias' destructive discourse on love had for the young and impressionable Phaedrus. This may make one think of deconstruction as a kind of sophistry. On the other hand, what *is* deep about deconstruction is the alienation that the theory rationalizes. To judge from the theory, it is alienation from fundamental features of the human situation and vocation, and in this deconstruction is more properly akin to gnosticism. Even if, as now seems likely, deconstruction is nearing its end in our place and time, it will come back, as sophistry and gnosticism always do, but in some new form, with something of sophistry's reduction of life and thought to self-serving rational technique, and something of gnosticism's bitter alienation from the world.

Years ago, as contemporary ideology was just beginning to take hold in literary studies, Lionel Trilling remarked that those who at the time were hailing madness as a superior form of sanity *did not plan to go mad themselves*. In time such inner contradiction is always fatal. Hence the advantage of being over its parasitic contraries. We cannot help

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ourselves. From our depths we are oriented to the real, now maddened, now despite everything hopelessly enchanted, by being as we know and live it, by its density and by its poignant beauty. Some of those who briefly seemed in flight from it are even now turning back to it, and others will inevitably follow: back to the real that we know and are, back to what Philip Larkin called that "million-petalled flower / Of being there."

Tanisha

There is nothing left to say now
and nothing left to do the tears
will not come to the eyes of the child
who has kissed her mother and watched
the methodical men bind her with tape
the child
who has heard her mother's last words
before the death
in the small Brooklyn house
with her niece and her sister
bound on the bed
packaged for death beside her
packaged and taped as she herself
had neatly packaged the drugs
she sold to buy these deaths
but before this death the child has heard
Tanisha, I love you
tell
the baby I loved her I was her mother and
then the shots the shots the shots
that cannot be comprehended
opening the door to the waiting dark
the human soul that cannot be comprehended
the dark in the soul
the hell
O nothing again and perhaps Tanisha
herself will never
speak again the horror will stop
her lips
but dear God why
even in this dark hell are our last words
always the same and no matter
what monster
has possessed our soul
do we superhuman burst from its grip
and in that final strength cry out
I love you I love you remember always
that I loved you.
O gentle Jesus meek and mild
come and kiss
this Thy child.

Elizabeth Duran

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Books In Review

Koop De Grâce

Koop: The Memoirs of America's Family Doctor. By C. Everett Koop. *Random House. 342 pp. $22.50.*

Reviewed by **Bernard N. Nathanson**

What baleful things may befall a rugged, plain-spoken, life-affirming man when he ventures into that great bourne called The Beltway—that is the (probably unintended) theme of the autobiography of Charles Everett Koop, M.D., former Surgeon-General of the U.S. The malignant drugs pressed upon the great-hearted doctor were the familiar irresistible ones: the trappings of authority, the seductive illusion of puissance, the orbital proximity to the political Sun. The landscape of The Beltway is littered with the bleached bones of other voyagers: Brigadier-General Wallace A. Graham (White House physician to President Harry Truman), Sherman Adams, more recently Governor John Sununu—all decent men drawn like Odysseus' sailors by the hypnotic spell of the bitch-goddess Power, to be turned into swine for their trouble.

Charles Everett Koop was an only child born into a comfortable middle-class household in 1916 Brooklyn. Early on he determined that he had a medical vocation, acquired a first-rate undergraduate (Dartmouth College) and graduate (Cornell University Medical College) education. One personal aside: my father was his instructor in obstetrics and gynecology at Cornell, and remembered Koop as an earnest if humorless young man who was thoroughly impatient with the slow pace of the labor and delivery process. He was even then more attracted to the crisp discipline and crackling drama of the operating room. He did not serve in the armed forces during World War II, but spent the war years in residency training in surgery at the Hospital of the University of Pennsylvania. Subsequently, he branched off into the then-nascent subspecialty of pediatric surgery, devising novel surgical techniques for use on sick and handicapped infants. His career as a pediatric surgeon was a distinguished one, replete with professional honors. He was and is a believing Christian (he terms himself an evangelical Christian), and for a number of years while in residence in Philadelphia he taught students at the Wayside Gospel Mission, helped feed homeless men at the 12th Street Gospel Hall, and directed a free medical clinic on Sundays for those unfortunates. He married his college sweetheart and raised a fine family of three sons and a daughter.

He has known his share of domestic tragedy: in 1968 his son Norman was killed in a mountain-climbing accident, and of that experience he remarks that from that time on he could rarely discuss the death of one of his pediatric patients without tears welling up in his eyes.

An exemplary life, and an unusually productive one. Why, then, would this good and decent man desire (and as it turns out, lust for) a demeaning post as a third-level apparatchik in the Kafkaesque labyrinths of the federal Department of Health and Human Services? Why would this trusting naif at the age of sixty-four willingly subject himself to the cruel byzantine intrigues of grandmaster-level players in Big Government? Why would he submit to a confirmation process, which he himself describes as painful, humiliating, and infuriating, that dragged on for nine months, required the passage of special legislation to exempt him from the age limits prescribed for the post of Surgeon-General, and forced him to all but disown his pro-life commitment? Why would a man of his redoubtable professional stature grovel before the likes of Henry Waxman, Lowell Weicker, and Edward Kennedy? (Kennedy remarked of him during the debate on his confirmation that Koop endorsed a cruel, outdated, and patronizing stereotype of women.)

Koop and the respected theologian Francis Schaeffer had some years earlier authored a program of seminars, films, and books called "Whatever Happened to the Human Race?" that dealt forcefully with the issues of abortion, infanticide, and euthanasia (they deplored all three) and that found considerable favor in conservative political circles. During his confirmation process, a Washington TV station showed eighty-seven minutes of that pro-life film, and Koop describes this as a "dark cloud" since it marshaled Planned Parenthood, NOW, the National Abortion Rights Action League (NARAL), and assorted other bands of moral brigands against him. His pro-life stance had now become—at least according to his ambitious lights—a dangerous millstone.

But what did he expect? Did he truly believe he'd been nominated for the post of Surgeon-General because he was a first-rate pediatric surgeon (actually, he lacked even the basic requisites for the job, i.e., formal training and a graduate degree in Public Health)? If truth be told, he was remarkably unqualified for the post: he had no training in epidemiology or biostatistics, and his major qualification was his pro-life commitment, which was congruent with the Reagan Administration *Zeitgeist*.

But Koop, a little wonderingly, remarks of those who had placed his name before the U.S. Senate: ". . . in hindsight it is clear they saw the Surgeon-General's job primarily as a means of promoting their social agenda—especially pro-life and family issues." Later he muses to himself that "no one ever

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said explicitly that the price of my job was to be the zealous pursuit of the pro-life agenda." When even nominees to the Supreme Court of the United States are vetted for their social and political views by the administration in power, why should a minor functionary in a massive bureaucracy be exempted from this same scrutiny?

HE FREELY acknowledges that his staunchest allies in the confirmation process were the leaders of the conservative pro-life factions in the Administration and in the Congress: Carl Anderson, Henry Hyde, Jesse Helms, Strom Thurmond. And for their pains he gave them the back of his hand in the struggle over the AIDS issue. He identifies as his implacable foes in the confirmation process Waxman, Weicker, and Kennedy, ultra-liberal abortion advocates of whom he would later observe: "The people I needed to win over in those first nine months would in the years ahead become my allies in joint ventures for the health of the American people." Of Edward Kennedy, he indicates that he entered happily into an "affable cooperation" with that charred and smoking ruin. How sharper than a serpent's tooth . . .

Once confirmed, he was entitled (as he puts it) to wear a uniform with all the regalia befitting his rank as Vice-Admiral, and to all appearances he never took it off. Follow me closely here: he was a Surgeon-General wearing an admiral's uniform—a bureaucratic version of cross-dressing, I imagine. I recall meeting him at a convention of Americans United for Life in Chicago in the mid-eighties: he was resplendent in his Graustarkian outfit weighted down with epaulets, stripes, ribbons, medals, and yards of gold braid—under full sail, as it were.

Of his tenure in office, he describes four major campaigns: antismoking, the AIDS problem, the rights of handicapped children, and abortion. One must concede that smoking is a hazardous addiction and a significant public health problem: it is estimated that the smoking habit costs the public treasury $13 billion annually in smoking-related health care expenses (though to be fair the government exacts $15 billion a year in taxes on tobacco products—not a bad trade-off). Koop attacked the smoking problem with gusto—one might even describe him as an antismoking "zealot." Of course *this* variety of zealotry was safe and politically correct. He is not as kind to pro-life leader Nellie Gray, whom he describes as an abrasive, brash, irritating, and embarrassing "zealot" because she had the courage to chastize Ronald Reagan for allowing federal funds to be used to finance abortions in the District of Columbia.

With his incessant railing at smokers and the tobacco industry, with his skull-cracking lectures against the evils of tobacco, he came to bear an unfortunate resemblance to Carry Nation, the anti-whiskey saloon-smasher of the turn of the century. Mother Nation and Father Koop were both Old Testament types. The commonly employed description of Carry Nation as a fearsome engine of piety was not entirely inappropriate to the good doctor, although he did not enlist the powers of music in *his* campaign (Nation was noted for smashing saloons while braying the hymn "Who Hath Sorrow, Who Hath Woe").

If his confrontation with the tobacco interests was politically correct, his position on AIDS was a paradigm of political rectitude (I am the very model of a modern Surgeon-General). He commences his discussion of the AIDS campaign with this ringing manifesto: ". . . if ever there was a disease made for a Surgeon-General, it was AIDS." (At the time of this curious epiphany—1981—there had been all of 108 cases of AIDS with 43 deaths.) But because the victims of the disease at that time were almost exclusively homosexualists (I use the word advisedly to accent the political rather than the sexual proclivities of that community) and because the homosexualists dominated the glitzy worlds of fashion and entertainment (gown and clown), the liberal media became their lap dogs: any public figure who would court the media had first to make his bones with the homosexualist cadres. The litmus test for the entertainment and fashion industries in the 1980s became: how many AIDS benefits have you done this year?

IN THE early eighties, Koop was still smarting over media disapproval. He was convinced that he was perceived as a far-right anti-abortion evangelical Christian with—heaven forbid—normative standards against which to measure human behavior. Now was his opportunity to shed that encumbering baggage and enlist in the AIDS crusade. He accuses the Reagan Administration of making a conscious decision to ignore the AIDS problem and in effect muzzle him. That the Centers for Disease Control organized its first AIDS task force as early as 1981 (the year in which the disease was first identified) seems not to disturb his conviction that there was an organized conspiracy of silence within the Administration on the AIDS issue.

He conveniently passes over the fact that AIDS funding proliferated so rapidly that by the end of the second Reagan term $3.7 billion a year was being spent on AIDS, $1.2 billion of which was funding basic research. Currently, the U.S. government spends $15,450 per AIDS patient; contrast that with $285 per cancer patient, $33 per heart disease patient, and $25 per diabetic. Sickle-cell disease afflicts 150,000 African-Americans in this country. It is a catastrophic disorder, disabling partly or completely a significant segment of this minority group. It is not uncommonly fatal and it is incurable. Government funding for research into sickle-cell disease is pitifully inadequate (the Sickle-Cell Society receives *no* government funds at all). Clearly then, the strategy of "victimidation" in

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the AIDS matter has been extraordinarily successful for the homosexualist victims of AIDS.

Koop himself was an early and willing casualty of the homosexualist strategy of victimidation. He characterizes the Reagan Administration's circumspection on the AIDS problem with this bleary *aperçu*: "Within the politics of AIDS lay one enduring central conflict: Aids pitted the politics of the gay revolution of the 70s against the politics of the Reagan revolution of the 80s."

Perfect. Here is the Surgeon-General of the U.S. by inference laying the blame for the AIDS epidemic at the feet of the U.S. government, the Roman Catholic Church, the conservative press ("the stridently conservative *Washington Times*"), Phyllis Schlafly (whom he describes as "beneath contempt" because she opposed him on his proposed condom solution), and a sinister cabal of White House conservatives led by Carl Anderson.

He holds responsible anything and anyone but the original carriers themselves, those whose lifestyle defined the mode of transmission of the plague. As Charles Krauthammer has put it, AIDS is the archetypal behavioral epidemic: it is not spread through the water supply or the air, it is not transmitted in contaminated food or infected fomites. It is an epidemic spread by feckless libertine behavior, and the means of its control rest not so much upon the discovery of a cure (desirable as that may be) but upon the curbing of the behavior in question.

Instead of acknowledging these basic epidemiological truisms, Koop continued to push condoms and sex education as the solution to the AIDS problem. By this time (1986), he was basking in media approval and reserving basilisk stares for those conservatives who dissented. But whereas his virtually unopposed anti-tobacco crusade had marched to the joyful strains of "How Great Thou Art," his foray into the treacherous marshes of the AIDS controversy was to be played out to the lugubrious rhythms of Duane Eddy's "Forty Mile of Bad Road." The conservative opposition found the passion of his condom advocacy not only thoroughly objectionable but medically unsound; his apocalyptic predictions regarding the spread of AIDS (by 1999, he claimed, one out of every four people around the globe would have the virus) became increasingly tedious and incrementally unbelievable.

Koop describes his campaign for

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the rights of handicapped children with considerably less relish, and understandably so. Baby Doe, the Down's syndrome child in Bloomington, Indiana, also had a surgically remediable defect of the esophagus: a relatively simple operation would have repaired the defect and allowed the child to survive. Nevertheless, the parents of the child opted not to have the surgery performed, and the child died after six days of starvation and neglect in April 1982.

Although this squalid tale played itself out on Koop's watch, there was not a single word of protest, not a murmur of disapproval, not even an indication of interest in this dismal episode from the office of the Surgeon-General while it was happening. Where was America's Family Doctor (as he styles himself on the cover of his book) when this shabby tragedy was going down? Early on in his book, he declaims, "I saw the Surgeon-General's office . . . as a position of medical leadership." The dismaying truth is that far from taking the lead, Koop quickly discerned that the media were generally siding with the parents in their decision to let the child die and it seems that he shrewdly decided to hunker down in his foxhole. Later he would say that "those kinds of questions [to starve the afflicted child] can be answered best by the people who are right there on the scene, if they think clearly and act responsibly."

Very well, but to take the position (as he does later in an analysis of the issues in the case) that he was not only Baby Doe's Surgeon-General, he was also the Surgeon-General for the parents of Baby Doe as well as the Surgeon-General for all the physicians in Bloomington, Indiana, is a clumsy and ludicrous attempt at self-exculpation. He makes it sound as if he had been anointed, not appointed. His coda to that disheartening episode is: "Baby Doe needed help, but so did his parents." That observation brings to mind the old saw about the two social workers who happen upon a man lying beaten, battered, and bloody in the street. One social worker turns to the other and says, "The person who did this *really* needs our help."

But it is over the issues of abortion that the good doctor stumbles most egregiously. "Abortion poisoned my confirmation process," he declares, airily oblivious to why he was there in the first place. Further on he leaps into the Cuomo Straddle with astonishing agility for a man of his years: he was personally opposed to abortion but in his public office he had to respect the law of the land, blah blah blah. Ronald Reagan was the highest elected official in the nation and *he* had no difficulty expressing himself on the abortion issue: why should this unelected middle-level bureaucrat hold himself above the fray with such disdain?

Koop insists that the fetus is an extraordinarily important being but that as a public health officer he felt that smoking was the number one health problem. In 1991 there were 350,000 smoking-related deaths; in the same year 1.6 million unborn babies perished in the abortion juggernaut. It doesn't take a rocket scientist to figure out the arithmetic here.

WHAT IS MOST troubling in the abortion section—and for that matter, in the whole book—is the manner in which Koop savages certain elements of the pro-life movement. He reserves his most ferocious verbal assaults for "zealots" like Nellie Gray; he attacks Phyllis Schlafly ("Why anyone paid any attention to this lady is one of the mysteries of the 80s"); he turns on Carl Anderson, who perhaps more than any other single figure in the Reagan Administration was responsible for the success of Koop's confirmation process, and berates him unmercifully for his opposition to the condom solution for AIDS. He trashes the Ad Hoc Committee For Life, calling its publication *Life Letter* "an unbelievable rag." He is not above taking a stealthy swipe at Ronald Reagan from time to time but he reserves his most scathing remarks for those who, as he puts it, "saw nothing strange about being against both abortion and contraception."

HE CONCLUDES his discussion of the abortion issue with this perplexing proposal: if the pro-life forces had accepted a compromise position allowing for abortion in the case of a defective baby (this from a preeminent pediatric surgeon), rape, incest, or to save the life of the mother, he is certain that abortion advocates would have jumped to agree and the million or so annual toll of aborted babies would have been avoided.

What can the doctor be thinking? As a founding member of NARAL, I can assure him that abortion advocates then and now would settle for nothing less than *everything*. With all due respect, the Admiral is all at sea on that one.

Dr. Koop closes his book on this simple note: "I rested [after leaving office] in the firm faith that my future like my past was shaped by the sovereignty of God." A fine sentiment, and a humble one. It brings to mind a remark Indira Gandhi is reported to have made to one of her political underlings: Don't be so humble—you're not that great.

Enigmatic Subtleties

SAINT AUGUSTINE: CONFESSIONS. Translated by HENRY CHADWICK. *Oxford University Press. 311 pp. $24.95.*

Reviewed by **Robert J. O'Connell**

TRANSLATING Augustine's *Confessions* is much like playing Hamlet: many feel called to the role, but few prove equal to its blistering demands. A professional knowledge of Latin is only a start; one must also enjoy an intimate acquain-

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tance with Augustine's thought and style and with the cultural, philosophical, and theological background of his time. In addition, the translator must also be a master of his own language: a great stylist, after all, deserves a translator-stylist of mark. Anyone familiar with Henry Chadwick's contributions to patristic studies over the years has had to look forward to this translation as to a rare treat. His learning is legendary, his acquaintance with Augustine as intimate as one could wish, his control of Latin equaled by the effortless urbanity of his English prose.

Chadwick's learning is displayed in the introduction and the notes, but it shows up also in the artful headings in his summary of the contents of Augustine's work. "Theft of pears: 'alone I would never have done it,'" or "Manichee and Astrologer," or "His concubine back to Africa." Here Chadwick already reveals his personal settlement, bold but at the same time pondered, of some large and neuralgic questions of Augustine interpretation: the key element accounting for that puzzling boyhood escapade was bad companionship; Augustine, at one stage of his life, was indeed given to astrology; and his unnamed consort of all those years may correctly be termed a "concubine."

These, however, are only a few of the numerous junctures where Chadwick takes positions on disputed points of Augustinian interpretation, so that the reader aches to know where in the broad expanse of Augustine scholarship he has found support for the positions he espouses. Perhaps it is due to the nature of the series envisaged by Oxford University Press of which this book is part, but all too often the reader's hunger is left annoyingly unsatisfied. One does not expect the book to rival the scholarly plenitude of the French *Bibliothèque Augustinienne* translations, but something like the relatively modest format of Vernon Bourke's translation in the *Fathers of the Church* series might have served as a useful model. Chadwick's "Bibliographical Note," which runs to a little over a page, is spare at best; the reader might well have been served more generously on that score. In that case, too, the translator would have been able to refer back when appropriate to the studies he commends.

As it stands, the footnotes too seldom supply enough information to answer the questions raised by Chadwick's frequently challenging translations and comments. The result is that the currency of his vast erudition is inevitably debased. He is like that prodigally good-natured uncle many of us had the happiness

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to know and love when we were children; he scatters his goodies with lavish abandon and in all directions, but leaves us wondering which of his gifts, if any, he values more than the others. When Chadwick tells us, à propos of a saying of Augustine's, that "Plotinus says this also," or suggests that we compare a phrasing or allusion in Augustine with one in Cicero, Plotinus, or Porphyry—or indeed, in more esoteric sources such as Terence, Ammianus Marcellinus, or Palladas—it is not always easy to tell how strongly he is standing behind these various recommendations.

Chadwick's introduction runs to some twenty-six pages, and its richly textured density almost promises to make up for any skimpiness that may bother at other points. So textured is it that the unwary reader might underestimate the amount of sheer information conveyed by a number of its carefully shaped assertions. Chadwick gives us a thoroughly informed view of the background and motivations behind Augustine's writing of his *Confessions*, as well as a pointed summary of his family background and the high points of his life story. He also includes observations, both sensitive and sensible, on Augustine's experience with women, most notably with the mother of his natural son, Adeodatus.

The judgments on Augustine's dramatic encounter with the Neoplatonic philosophy that was to shape so much of his subsequent thinking are keen and responsibly nuanced, even if they leave some nagging questions unanswered. One is left wondering, for instance, about Chadwick's substantial fidelity to Pierre Courcelle's version that the Neoplatonic writings provoked a series of "frustrated attempts at ecstasy," or about how Chadwick himself discriminates between Augustine's borrowings from Plotinus and from Porphyry. He closes his introduction with brief but helpful remarks on the text of the *Confessions* and its fifteenth- to seventeenth-century divisions into chapters and paragraphs, and on the Old Latin version of the Bible Augustine was citing. Again, though, questions remain: did Augustine stay solely with the *Vetus Latina* in writing his *Confessions*, and does Chadwick adopt a consistent policy in translating biblical citations—or, indeed, in rendering Augustine's own semi-technical terms?

IN DEALING WITH the structure and literary "point" of the work, Chadwick's opinion is that the *Confessions* recounts Augustine's "wandering away" from God up until the disillusioning encounter with the Manichee bishop Faustus in Book V, where the "gradual ascent towards conversion" begins. This is a respectable view, certainly. But Chadwick has also observed, correctly, that Augustine "found his story especially symbolized" in Luke's account of the parable of the prodigal son. This might have provoked him to acknowledge the surprising anomaly, noted by other scholars, that Augustine depicts himself two books earlier as reading Cicero's *Hortensius* and "rising up" (exactly as Luke describes the Prodigal doing) to begin his homeward journey *back* to the Father (*surgere coeperam ut at Te redirem*).

This suggests the remarkable conclusion that Augustine intended us to interpret the incidents portrayed in Books III and IV—including his conversion to Manichaeism!—as *progressive* steps in his "gradual ascent" (or reascent) to his eventual conversion under the influence of Ambrose in Milan. It also suggests that something may be askew in Chadwick's proposal that the theme of "wandering away" is "picked up" only at the beginning of Book III, when Augustine encounters the "sexual provocations" of student life at Carthage. Do we have solid evidence for speaking in this connection of Augustine's "wild years"? More substantively, where and when did Augustine's "wandering" set out from?

One answer to that question—an answer that has been knocking about in the literature for some thirty years or so and to which this reviewer impenitently subscribes—is that Augustine is depicting his soul as having preexisted its entrance into its "mortal body." In that preexistence it "turned away" from the divine splendor it contemplated and wandered off, like the prodigal son, from that heavenly home into this "far country," the "region of unlikeness" of the lower, visible world.

In relation to this hypothesis, Chadwick appears to be somewhat astraddle. If Augustine did hold a preexistence view, that might help explain why, right in the middle of his discussion of infancy, he raises, not once or twice but three times, the strikingly odd question of "whence" he came into this mortal life. Before he existed in his mother's womb, was he, he asks, "anywhere or anyone"? And, since Scripture tells us we were all "conceived in iniquity," "where and when" could he ever have been innocent?

Chadwick writes that Augustine raises these questions without immediately answering them. Likewise, he notes that at the end of Book IX Augustine asserts that he "does not know" how God brought him "into this life" through the carnal union of his fleshly mother and father. On the other hand, Chadwick calls attention to how Books X to XIII serve to "make explicit" the "favorite Neoplatonic theme that is only hinted at in the autobiographical parts" represented by Books I to IX, namely, the fall and return of the soul along with the entire created order. In line with this, he notes that in Books XI and XII "the language of the soul's lapse from a divine eternity to the disruptive successiveness of temporal things is very close to Plotinus."

BUT THAT immediately raises another question. Could it just be that it was Augustine's intention to make the first nine "autobiographical" books into an "exercise of the mind" (his favorite teaching de-

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vice), so that the fall-return theme, among others, would become a more and more gnawing question for his readers, a question to be answered only in the course of the final four books? Chadwick loyally raises the question, but one wonders how alertly he searched for the clues that might confirm or disprove that possibility.

One of the most suggestive texts in this regard occurs at the end of Book IV. We need not fear, Augustine reflects, "that there is no home to which we may return because we fell from it," and he immediately goes on to identify that un-ruined "house" with God's own "eternity." Unlike many a translator before him, Chadwick renders the Latin with bold exactitude, and even notes that this puzzling identification of God's "house" with His "eternity" will be made clear in paragraph 19 of Book XII. There Augustine does indeed clarify matters: the "house" of God is none other than the "Heaven of Heaven," the original community of created spiritual beings, including both angels and human souls. But from that Heaven of Heaven, Augustine says in the following book, both "the angel [and] the human soul fell." One way of obscuring this issue would have been to fudge the translation of one or several of these connected passages. That has been done more than once in the past. Chadwick translates them faultlessly. How, then, is he able to avoid the obvious connection: that the soul must once have existed in the Heaven of Heaven, if indeed it has fallen from that condition into the kind of existence we now experience?

One of the most striking merits of this new version is how regularly Chadwick takes on the toughest translation nuts that Augustine offers for the cracking, and bravely cracks them. For instance, while discussing the series of insights he gleaned from reading those famous "platonic books," Augustine tells us that he came to understand "that what I saw is Being, and that I who saw am not yet Being." Now this is a baffling statement, so baffling that legions of translators before him have shied away from adopting Chadwick's disarmingly straightforward solution—that of translating Augustine's Latin simply and literally. Chadwick declines to cheat on accuracy in order to produce a version that turns out to be less or, preferably, not at all baffling to the incurious reader. But Augustine makes no apologies for baffling his readers with such dense and lapidary formulations. It is all part of his "exercise of the mind" technique. He means to get his readers to puzzle, ponder, and read on until such time as he is ready to reveal the answer to the questions

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he has left scattered, like so many intellectual land mines, along the route of his personal Odyssey.

In the case of the "Being" passage, as with a number of others, readers who have encountered four or five different translations of the text will be on the alert to the modest triumph represented by Chadwick's version. In its riddling way, it tells us something quite enlightening about how Augustine viewed that *magna quaestio*, that "vasty deep," the human being. And yet there is not a footnoted word of justification for the rendition offered. Chadwick does not say how he came to jettison so many former versions in order to adopt this one. Scholars have a certain obligation to tie down, as Socrates would have put it, such elegant statues of Daedalus, to prevent their flying off into the blue of forgetfulness.

CHADWICK IS NOT always so felicitous in his renderings as in this instance. To stay with the central "Neoplatonic" section, for example, he makes the same desperate stab as others have done at Augustine's puzzling *qualiscumque*, rendering it "such as it was" and not the more correct, and far more intriguing, "of some sort or other." If he does not "abide in God," Augustine says that he will not be able to "abide in [him]self." In that connection, the statement in John's gospel, "I can do nothing," has, *pace* Chadwick, little to do with the case. Chadwick's gift for freshness of phrase normally makes reading him a pleasure, but occasionally he slips. One wonders, for instance, whether "conflict of interest" may not be a shade too contemporary for Augustine's sober "lack of *convenientia*."

One could cite other examples where Augustine's "difficult" coinages might have been caught more exactly, and yet it is especially in those difficult passages, where the Latin is most demanding, that Chadwick tends to outstrip the competition. That being so, it is mildly surprising that in the less-demanding portions of the text a certain slackness seems to creep into his performance. He may have assumed that these portions are less critical for understanding Augustine's thought and allowed himself to "coast." Or perhaps he made an overall decision in favor of an elegant and varied English, rather than aiming (as others have tried to do) at a translation that would enable the serious student of Augustine's thought to divine the Latin terms that lay behind it.

Consider one of many possible examples. In the opening paragraph of the book, Augustine characterizes "man" as *aliqua portio* of God's creation, and Chadwick translates that as "a little piece." But the term *portio* resonates, in Augustine's Latin, not with associations of chance fragmentation as in "piece," but rather with implications of fairness, measure, pro-portion. A careful reading of the *Confessions* will confirm, I submit, that Augustine is here issuing the first of many admonitions to his former coreligionists, the Manichees, that man—this amalgam of spirit and matter—has been divinely accorded a "due portion," a just part in the orderly hierarchy of the "all things"—visible and invisible—that makes God's creation "very good."

This human creature, Augustine has been saying, desires to praise God: *et homo*, he now adds, *circumferens mortalitatem suam*. Exactly. That *et* (which Chadwick elides) proclaims that "even man" desires to praise God. And man does so *despite* the fact that the Manichees are at least partially right in detesting man's embodied condition. What the Manichees do not see, or will not admit, is that we are right to detest, not body as such, but the *mortal* body (*mortalitatem*) that we "carry"—not *with* us, as Chadwick renders it, but "about us" (*circum-ferens*). The image Augustine wishes to suggest—and later pages of the *Confessions* will confirm this—is that of our mortal body being like a garment or cloak that has been wrapped around us. That cloak, in turn, recalls the eloquently symbolic "coats of skins" in which God clothed Adam and Eve after they had sinned, had become mortal, and, in consequence, had received their "due portion" of being justly dismissed to the opaque, bodily region of creation. *Portio, et, circumferens*—three seemingly inoffensive terms. Chadwick appears to have taken them as having little real significance. And yet, translated attentively, they at once lay bare Augustine's masterful power to make the prelude to his *Confessions* create the mood and predict the master-themes of the entire work.

But how can a reviewer wind up with so many reservations about a book that gave him so much pleasure? Perhaps because the translator succeeds in being nearly as stimulating as the original author. Perhaps, too, because Chadwick's translation, overall, has allowed Augustine to remain as enigmatically subtle as, centuries ago, he chose to be.

South African Prospects

A DEMOCRATIC SOUTH AFRICA? CONSTITUTIONAL ENGINEERING IN A DIVIDED SOCIETY. By DONALD L. HOROWITZ. *University of California Press. 312 pp. $24.95.*

Reviewed by **John H. Chettle**

JUST OVER 200 years ago, the United States was in a position arguably more critical than that of South Africa today. It had recently fought

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a war with Britain, and it was torn by sectional strife. Its economy was in a shambles, its currency discredited, and its system of government ineffectual. Despite all these crises, its constitutional deliberations produced an enduring and remarkable document.

The genius of the Founding Fathers of the United States was to take human nature as it is, not as one would like it to be, and to provide protection against dictatorship by balancing the power of any one man or institution against that of another. It was a brilliant innovation, one from which South Africans now engaged in constitutional talks might learn, but of course it applied to a people, as the Federalist Papers noted, "descended from the same ancestors, speaking the same language, professing the same religion, attached to the same principles of government, very similar in their manners and customs."

How are South Africans, united by none of these bonds, to deal with the same problems? The answer is of more than parochial significance, because the success of democracy in South Africa—the most highly developed and dynamic country on the continent—would surely have an impact far beyond its borders. Can South Africa become—and remain—a democracy? The unhappy truth is that the odds are against it. "Only a seasoned gambler," writes Donald Horowitz in this creative and profound book, "could be sanguine."

This may seem a dismal conclusion about an enterprise begun with such courage and hope when Nelson Mandela was released from prison in February 1990. But the great merit of this book is to alert South Africans to the sheer difficulty of building democracy, and to suggest ways in which they can be helped. Indeed, it is hardly a paradox to note that the more South Africans understand how difficult it will be to maintain a democracy, the more likely it is that they will succeed in doing so.

Horowitz is well-qualified for his task: he has carefully analyzed the debates on the American Constitution, his book *Ethnic Groups in Conflict* has been called by Seymour Martin Lipset "the best comparative study of ethnic tensions around the world," and he has a remarkably dispassionate knowledge of South Africa. Horowitz understands that the democratic prospect in that country is made the more unlikely because it cannot be half-way in nature. White South Africans must, he insists, prepare themselves for a fully democratic society: "It needs to be said, as emphatically as possible, that every vote should count for one and none count for more than one." It is Horowitz's realism that accounts for his lack of optimism.

The most obvious obstacles to the achievement of South African democracy are tactical. A deal will have to be struck within two years, since it could be fatal for the government to go into an election in 1994 with the country still in a state of uncertainty and turmoil. The change will have to be dramatic, because change has been left so late. There will be pressure for a deal at any cost, and in such an atmosphere there will be an inclination to demand constitutional guarantees for group rights, an approach that may be no more helpful than were the Entrenched Clauses in South Africa's present constitution in protecting the voting rights of the Coloureds.

There is also the problem of the psychological damage done by apartheid, and the suspicions arising from the constitutional duplicity of the government in the past. Suspicions also arise from the fact that most post-colonial African leaders have had only a shallow adherence to democracy, and the democratic aspirations of the African National Congress, with its close alliance and overlapping membership with the South African Communist Party, do not inspire confidence.

Nor has apartheid given those under its control much experience of pluralism. It has instead fostered intolerance, which is one of the reasons so many people are being killed, many for no more reason than that they belong to the wrong party or a different tribe.

The most serious reason for concern, however, is the difficulty of building democracy in deeply divided societies, and the lack of models of successful multiethnic democracies. Even the United States had the advantage of being a democracy before it became multiethnic, or, at least, before it recognized its ethnicity.

The problems of a divided society are more difficult to solve because many South Africans deny that they exist. The very emphasis laid by the South African government on ethnic differences has ensured that many blacks reject the concept out of hand. Many of them are convinced that tensions will automatically subside once black aspirations are recognized.

Yet current developments elsewhere indicate that this belief is misplaced. We read daily of the crises or impending dissolution of multiethnic states like the Soviet Union, India, Yugoslavia, Czechoslovakia, Ireland, Belgium, Canada, Lebanon, Cyprus, Israel, or Sri Lanka. African countries have been no more successful in suppressing ethnic differences, although some have tried ruthlessly to do so.

Yet there are institutions that have worked in deeply divided societies in Africa and Asia, and they give rise to Horowitz's most important contribution, which is to focus on the use of constitutional incentives and constraints.

South Africans have tended to look for protection against oppressive government to constraints on that government—an independent judi-

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ciary, bills of rights, or entrenched clauses. These may indeed be helpful, but they ultimately may provide no protection against a government determined to overcome them. What South Africans have not looked at are constitutional incentives, incentives that give politicians some assurance that they can win power by doing the right thing—in this case, by reaching across racial and ethnic groups so that a government is genuinely representative of the population as a whole.

Incentives can be as useful in politics as they are in selling cars. In Nigeria during the Second Republic, candidates for the presidency had to win not only the largest number of votes but at least 25 percent of the vote in no fewer than two-thirds of the nineteen regions, thus ensuring that the winner would be a genuine moderate. (Unfortunately, the constitution failed to include similar incentives throughout the system.) Horowitz believes that a South African President should have to win a majority of the total vote, and a proportion of the vote in most ethnic groups high enough to require a genuine effort to reach across ethnic and ideological barriers (but not too high to be impossible to meet).

The political system, Horowitz goes on, must build in the same incentives for every office in each branch and each level of government. He believes that the best way to achieve this is through the alternative vote, the system used in Australia. In that system each voter, after voting for his preferred candidate, ranks the other candidates in order of preference. Where nobody gets more than 50 percent of the vote, the alternative votes of those who voted for other candidates are divided among the two at the top of the poll until one gets a majority. This gives an incentive to *each* politician in *each* constituency, *even before the election*, to reach out to other ethnic groups to ensure his own victory. There is a premium, in other words, on moderation and accommodation rather than division.

To enhance that effect, Horowitz would create multimember constituencies covering large geographic areas, to ensure a variety of ethnic groups within each constituency. This would make it difficult for politicians to put forward uncompromising messages, on either ideological or ethnic lines.

Horowitz's may be the most creative constitutional thinking to have emerged so far in the South African context: it is grounded in principle, informed by a profound understanding of the alternatives, and sensitive to the tensions beneath the surface of South African politics.

But is it at all realistic? The most formidable obstacle to adoption of a program as imaginative and helpful as this may be its sheer unfamiliarity. The country's experience—or lack of experience—may be against it. South Africa's white leaders have been cut off from the rest of Africa for more than a generation, and have no knowledge of what has or has not worked elsewhere. The ANC, which has wide knowledge of Africa, has little incentive to draw the right conclusions from what it knows.

This is not to say that there are no grounds for optimism. Apartheid has been dismantled with remarkable speed. The different parties are actually talking to one another, and in a way that would amaze those involved in the Middle East. They have formed often friendly relationships. South Africans, to adapt the words of Thomas Paine, do have it in their power to begin their world all over again.

But constitutions, even more than marriages, fare for better or for worse. They have to be built to endure when warm feelings fade. And that, as Donald Horowitz well knows, is no easy job.

God and the Economists

REACHING FOR HEAVEN ON EARTH: THE THEOLOGICAL MEANING OF ECONOMICS. By ROBERT H. NELSON. *Rowman and Littlefield. 378 pp. $24.95.*

***Reviewed by* Robert A. Sirico**

FOR THOSE unfamiliar with the historical emergence of the discipline of economics, it may seem that the subject matter of Robert Nelson's book—the interplay between the mundane world of scarcity and the transcendent world of infinity—is oxymoronic. Those who have studied the historical development of economic thought, however, will agree with the conclusion of the renowned economic historian Joseph Schumpeter that the founders of scientific economics were the scholastic moral theologians and natural law philosophers.

The appearance of this work, then, offers a needed reintegration of two critical disciplines and helps to combat the unnecessarily dualistic tendency that has encouraged theological ignorance of economics at the same time that it has prompted some economists and business leaders to see moral and theological matters as a threat to their domain, or at the very least as irrelevant to it.

In taking an explicitly historical approach, Mr. Nelson hopes to "set modern economic theology in the context of a much longer history of theology, a large part of which is non-economic." His examination of the influence of theology on economics outlines two primary traditions, which he calls the "Roman" and the "Protestant" traditions.

The Roman tradition is characterized by a positive disposition toward reason, a natural law perspective, and a "this-worldly, commonsensical, and pragmatic" approach to human needs. It begins with Aristotle and continues through Thomas Aquinas, Isaac Newton, John Locke, Adam Smith, Jeremy Bentham, Claude Henri de Saint-Simon, up to the modern defenders of the welfare state like John Maynard Keynes.

The Protestant tradition, on the other hand, is described as viewing this world in "deep alienation" from its original nature. Owing to this fundamental disorder, it distrusts rationality, relying instead on the

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"iron dictates of God or history." Where the Roman school prefers gradual development, the Protestant school opts for revolutionary change. It begins with Plato and continues through Augustine, Martin Luther, John Calvin and the English Puritans, and Charles Darwin, and ends up with figures as diverse as Herbert Spencer, Karl Marx, and Sigmund Freud.

The integration between economics and theology Mr. Nelson attempts is exactly on target. But despite his effort to soften the edges of the categories he employs by stating that he is merely attempting to "capture the essence" of the thinking of these figures, his taxonomy is somewhat suspect.

According to Mr. Nelson, the tendency in the Roman tradition to believe in the reasonableness of the universe leads its proponents to advocate rational programs of economic management in the form of the welfare state. This, however, would account neither for the numerous figures who, while clearly falling into the Roman tradition, disown the welfare state, nor the undeniably Protestant defenders of it. The very existence of the whole Austrian school of economics represented by Boehm-Bawerk, Menger, von Mises, Hayek, and Rothbard, which derives much of its thinking from the scholastic (Roman) tradition and gives very little place to centralized economic planning along Keynesian lines, belies much of Mr. Nelson's thesis.

In his view, the "Roman way of thinking is in large part the American way of thinking." He also observes, along with the American Jesuit John Courtney Murray and Walter Lippman, that "the American republic was conceived in the tradition of natural law." While this claim is true enough with regard to the roots of American public philosophy, the contemporary context is somewhat more confused, as he admits, and as the confirmation hearings for Justice Clarence Thomas made apparent. If there is a clear connection between the Roman tradition and the welfare state, as Mr. Nelson contends, then it is odd that the modern defenders of the latter are so profoundly ignorant of natural law thought and so hostile to it.

The problem extends beyond an intellectual lacuna: it evidences a conflicting view of society and indeed of man himself. Defenders of the welfare state may appear to place a high value on reason, yet their trust in reason does not fully extend to individuals, but only to the ruling elite whose job it is to mold society for its own good. Reason is trusted in the abstract, but not when it comes to concrete specifics. In this, advocates of the welfare state are far more Platonic than they are Aristotelian.

Mr. Nelson fails to see the way in which such figures as Richard Ely, Thorstein Veblen, Thurman Arnold, John Kenneth Galbraith, and, of course, John Maynard Keynes—all of whom he classifies as sharing an essentially Roman-Aristotelian outlook—in fact represent a shift away from that tradition and are an aberration, not an authentic development, of it. The very description of an "American priesthood of experts" that is needed to manage the welfare state advocated by these figures should have a sufficiently Platonic ring to it to make this point.

Having offered this critique, I hasten to add that, despite its flawed attempt to trace an intellectual pedigree from Aristotle to Keynes, this is an important book. Mr. Nelson's identification of contemporary environmentalism as a fundamentally reactionary response to industrial productivity, for instance, is indeed timely. Moreover, to the extent that Mr. Nelson attempts to place contemporary economic thought within the broader and more ancient context of Western theological thinking, he has succeeded, and does a critical service to both economics and theology.

BRIEFLY NOTED

"Forget Not Love": The Passion of Maximilian Kolbe. By André Frossard. Translated by Cendrine Fontan. *Ignatius Press. 199 pp. $11.95 paper.*

In virtually every Catholic church in Poland today, one finds three portraits: of the Black Madonna of Czestochowa, of Pope John Paul II, and of St. Maximilian Mary Kolbe, the Franciscan priest who, having volunteered himself in place of a Polish prisoner who was the father of a family, died in the starvation bunker at Auschwitz on August 14, 1941—now his feast day in the calendar of the Roman Catholic Church. André Frossard's title, *Forget Not Love*, is taken from Father Kolbe's last instruction to the monks of Niepokalanow, as they were being forced to abandon their monastery (the largest Franciscan foundation in the world) by the Nazis. And the title sets the tone for this volume, which is less a comprehensive biography than a meditation on modern sanctity, built around the life of its protagonist. Readers familiar with Frossard's extended interview with Pope John Paul II, published as *Be Not Afraid!*, will not be surprised by the author's occasionally breathless style. Moreover, Frossard writes as if his audience were composed almost exclusively of pagans—or, perhaps better, radical skeptics—who regard any notion of "heroic virtue unto death" as mere superstition (although given the book's original destination—France—Frossard may have had something here). But Frossard compensates for occasional lapses into the saccharine and for his avoidance of too close an examination of the anti-Semitism of pre-war Polish culture with a *bon mot* or two ("the Maginot Line . . . never [stopped] any army but the French"), with his moving depiction of Kolbe's sacrifice, and with a fine, short chapter on the moral squalor of totalitarianism.

Kolbe's case provoked something of a flap in the Vatican's Congregation for the Causes of the Saints. The Congregation agreed that Kolbe was a confessor; but was he a martyr, as that term had traditionally been understood? Pope John Paul II's decision to honor the Franciscan with the red crown as well as the white was, Frossard argues, entirely justifiable, for totalitarianism had

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defined a new form of *odium fidei*: systematic *odium hominis*. And, on the Pope's reasoning, those who had, out of Christian conviction, died in defense of man died also in defense of the faith that taught the truth about man—the truth that totalitarianism denied and persecuted. It is a hard argument to contest at the end of the twentieth century. Praying at the door of St. Maximilian Kolbe's death cell, as I was privileged to do last June, one has no doubts at all that the pope was right.

—*George Weigel*

TOWARD A THEOLOGICAL ENCOUNTER: JEWISH UNDERSTANDINGS OF CHRISTIANITY. Edited by LEON KLENICKI. *Paulist Press (A Stimulus Book). 168 pp. $8.95.*

The Stimulus Foundation was established by a refugee from Nazi Germany for the purpose of improving communication between Christians and Jews. Since 1977 it has sponsored the publication of fifteen top-quality books on interfaith relations. Rabbi Leon Klenicki, editor of this and several previous volumes, brings together contemporary Jewish interpretations of Christianity by distinguished scholars (some of them affiliated with this journal): Norman Solomon, Elliot N. Dorff, Walter Jacob, David Novak, Michael Wyschogrod, S. Daniel Breslauer, and David G. Dalin. Their essays are wide-ranging and authoritative, including, for example, an analysis of the concept of covenant as key to a theology of interfaith relations, a review of Jewish views of interfaith dialogue in the twentieth century, and a plea for a united Jewish-Christian front against modern faithlessness and nihilism.

INTRODUCTION TO JEWISH-CHRISTIAN RELATIONS. Edited by MICHAEL SHERMIS and ARTHUR E. ZANNONI. *Paulist Press. 275 pp. $13.95.*

Essays by various writers dealing with: the challenge of Hebrew Scripture to Christians, anti-Semitism and the New Testament, the meaning of the Holocaust for Christians, the importance to Jews of Zionism and "the land" for interfaith dialogue, Jesus as Pharisee and Messiah, intermarriage, the theology of religious pluralism, and the role of feminism. Though there is a chapter on the nuts-and-bolts of conducting interfaith dialogue, the book is a bit too short on background to be a true "introduction" to the subject. There is no chapter, for instance, on the history of recent Jewish-Christian relations, the importance of interfaith dialogue as perceived at the institutional level in Judaism and in the churches, or the dialogue's effect on the daily life and thinking of Jews and Christians. These shortcomings notwithstanding, the book is a useful and accessible treatment of an obviously important subject.

ON JUSTICE: AN ESSAY IN JEWISH PHILOSOPHY. By L. E. GOODMAN. *Yale University Press. 288 pp. $37.50.*

There are few books of "Jewish philosophy" among the many Jewish books being published of late, and even fewer that really live up to the name "philosophy." Most books in this area are studies in the history of ideas. *On Justice* by a Jewish philosopher at the University of Hawaii, L. E. Goodman, truly corresponds to its subtitle; it is very much "an essay in Jewish philosophy." Goodman's Jewish philosophy can be seen as the attempt by a religiously committed Jew to deal with the universal human concern for justice. The book is Jewish in the special attention it consistently pays to the classical sources of Judaism. But unlike a theologian, Goodman is not expounding Judaism per se. Although he is most certainly not a Kantian, Goodman's essay is very reminiscent in methodology if not in content of the final work of the greatest modern Jewish philosopher, the Kantian Hermann Cohen (1842-1918), *Religion of Reason Out of the Sources of Judaism*. Nevertheless, unlike Cohen and just about every Jewish philosopher after him, Goodman is most heavily influenced by Spinoza. Indeed, one of the subthemes of this book is a subtle rereading of Spinoza back into the current enterprise of Jewish philosophy and not just into the past history of Jewish philosophy, as was done by the great historian of philosophy Harry A. Wolfson in his 1934 work, *The Philosophy of Spinoza*. The book is beautifully argued and written. It should attract the reflective attention of philosophically inclined Jews, Christians, and Muslims, and even of secularists willing to take religious insights seriously.

WILD HOPE: CRISES FACING THE HUMAN COMMUNITY ON THE THRESHOLD OF THE 21st CENTURY. By TOM SINE. *Word. 343 pp. $12.99 paper.*

Change is happening at a blinding pace and Christians aren't ready for it, says this leader of "creativity seminars" again, and again, and again. Wildly breathless is the tone of this evangelical version of *Megatrends*. Jimmy Carter calls it "an important book for all people of faith," and maybe it is that, although the remedies proposed are as vague as the alarms raised are indiscriminate.

THAT THEY BE ONE: THE SOCIAL TEACHING OF THE PAPAL ENCYCLICALS. 1740-1989. By MICHAEL J. SCHUCK. *Georgetown University Press. 224 pp. $14.95 paper.*

The author has the misfortune of having committed closure before the appearance of the 1991 encyclical, *Centesimus Annus*. He also has the independence of insisting that the social encyclical tradition began before *Rerum Novarum* of 1891, and that the tradition is riddled with inconsistencies and flat contradictions. A controversial but informative study that should be taken into consideration by students of Catholic

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social teaching.

Fulfillment in Christ: A Summary of Christian Moral Principles. By Germain Grisez and Russell Shaw. *University of Notre Dame Press. 456 pp. $17.95 paper.*

A straightforward, some would (unfairly) say flatfooted, restatement of Catholic moral teaching. The book is marvelously useful as a text that clearly represents the doctrine from which most Catholic moral theologians are dissenting so promiscuously that they have forgotten the base from which they are deviating.

Communities in Conflict: Evangelicals and Jews. By David A. Rausch. *Trinity Press. 204 pp. $18.95 paper.*

A balanced, somewhat philo-Semitic, treatment of what the title suggests. Rausch has made a noble effort to to descry the coherences in two communities that are notoriously diffuse, and he is undoubtedly on the side of the angels in trying to make the case for a mutual entanglement between them that is not entirely of human devising.

Dictionary of the Ecumenical Movement. Edited by Geoffrey Wainwright et al. *Eerdmans. 1,196 pp. $79.95.*

A whopper of a book in size and usefulness, and it belongs in any library of moderate ambition. Put it beside the *Oxford Dictionary of the Christian Church*, for it is in no way limited to "the ecumenical movement" as that is usually more narrowly defined. The more than 600 alphabetical entries are inevitably uneven, but it should become a standard reference nonetheless.

Brewer's Dictionary of Phrase and Fable. Edited by Ivor Evans. *HarperCollins. 1,220 pp. $20 paper.*

"**Puff.** An onomatopoeic word, suggestive of the sound made by puffing wind from the mouth; since at least the early 17th century, applied to extravagantly worded advertisements, reviews, etc., with the implication that they have as much lasting value as a 'puff of wind.'" That's a typical entry. Don't ask us what Brewer's *Dictionary* has to do with religion and public life. It has to do with everything. And it's fun.

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Richard John Neuhaus

The Public Square

A Continuing Survey of Religion and Public Life

The Church as Interest Group, Once More

In the January issue, this section carried a commentary titled "The Catholic Church as Interest Group." Among the points made was that, despite the bishops' declared intention, a statement such as "Political Responsibility," issued by the United States Catholic Conference (USCC), is in fact a political platform, and it inevitably presents the Catholic Church as but another political interest group. We have received a number of spirited (to put it gently) reactions to that commentary from people in responsible positions, so let us try once more to spell out what is and what is not at issue.

It is unfair, we are told, to pick on the Catholic Church when many other religious groups do the same thing. In fact, our comment emphatically underscored the point that Catholics were increasingly following the pattern of mainline/oldline/sideline Protestantism in the politicizing of religion for partisan purposes. It is true, as our critics note, that sectors of the Catholic hierarchy have—in various ways and to varying degrees—been issuing political platforms as far back as 1919. So the Catholic impulse to imitate the Protestant penchant for acting as a partisan interest group in the political arena is not entirely new. What is new in the last two decades or so is the wholehearted Catholic entry into the more recent configuration of partisan political lobbying in Washington and state capitals. (See Allen D. Hertzke, *Representing God in Washington: The Role of Religious Lobbies in the American Polity*, University of Tennessee Press, 1988.) And yes, this writer does expect better of the Catholic Church. This was the concluding line of our commentary: "The Catholic Church, indeed any church, should aspire to doing better than that, to *being* more than that [i.e., merely another interest group]." The response of our critics, that the Catholic Church is no worse than many others, is not terribly encouraging.

We are told that we are critical of the USCC political platform because we disagree with the positions that it takes on a hundred and one issues. But again, our commentary explicitly asserted: "The remedy for such statements is not to make them more 'balanced,' never mind more 'conservative.' The remedy, for the most part, is not to make them at all. *When it is not necessary for the Church to speak, it is necessary for the Church not to speak.*" Please note carefully that those who deny the sincerity of that assertion are, in fact, impugning the motives of those who make it. They are of course free to do so, but they should recognize that impugning motives is a morally serious business, and does little to elevate the level of trust in political and churchly discourse.

Liberal Dismissiveness

Would we be less critical if the churches all took the political positions that we happen to favor? Knowing our own weakness, we probably would. But we should not be. The core problem is the politicizing of the churches, not the partisan direction in which they are politicized.

So politicized is our culture, and so insidiously has politics penetrated the life of our churches, that some people simply cannot believe that others are not prepared to exploit the institutions of religion in order to advance their own political agendas. Whether in Methodism, Catholicism, or numerous other communities, the bureaucratic defenders of platforms such as "Political Responsibility" routinely dismiss their critics as disgruntled "conservatives" who are unhappy about not getting their way. Should not the very language of their dismissiveness give these defenders pause for asking whether, if it is the conservatives who are unhappy, it may be because the liberals are getting *their* way in using the ecclesiastical machinery to promote their ends? Does not the very form of the dismissal tend to confirm the conservative complaint?

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In our own case, however, we do not want a more "conservative" political platform from the Catholic Church or any other church. In truth, when we go through the laundry list of positions endorsed by, for instance, "Political Responsibility," we have no substantive objection to many of them. Whether one as an individual agrees or disagrees with positions taken is, we must say as insistently as possible, not the point. The point is that churches exceed their competence, undermine their credibility, skew their mission, and risk betraying the trust of their people when they turn themselves into political lobbies, promiscuously pronouncing and advocating on almost every policy issue in public dispute.

All very interesting, say the critics, but don't you yourself commend the Catholic Church for taking a strong position on some issues in dispute? Yes. In the commentary in question we commended the USCC for "trenchant statements on protecting the unborn and on the evil of active euthanasia, together with a call for equitable tax support for school choice and support for increased immigration." The last item was something of an add-on (we are always straining to be generous) and is not of the same moment as the first three—although it does seem appropriate for the Church to caution against the nativism that frequently motors anti-immigration sentiment. So then, why is it appropriate, indeed imperative, for the Church to take a public position on those first three items and not on, for instance, the merits of nuclear energy or the reorganization of cable television.

It should be needless to say that there can be—there inevitably will be—legitimate disagreements about which questions are appropriate and imperative for the Church's public witness. Every committee in an organization such as the USCC is tempted to promoting its issue as *the* issue for the Church's attention. That is understandable. But, unless the Church is going to dissipate its public influence in indiscriminate efforts in every direction, decisions must be made, priorities must be determined. In the phrase favored by the late Paul Ramsey, churches must discipline themselves by employing "self-denying ordinances." They must do that for reasons theological, moral, institutional, and strategic.

A good rule of thumb is that, if a statement is not imperative, it is not appropriate. Churches should not just be opining on this or that; bishops, individually or collectively, should not be merely popping off according to their political propensities. If the moral credibility of the Church is to be nurtured, there must be a keen awareness that that moral credibility is at stake in every public pronouncement. Otherwise, pronouncements such as "Political Responsibility" will not be taken seriously, as in fact they are not taken seriously, except by the institutional managers and activists who use them as license for lobbying.

Testing for Appropriate Witness

In trying to determine what is proper or appropriate in the Church's public witness, Father Avery Dulles has helpfully suggested that we attend to the *propria* of the Church. We should ask, What is so distinctive about a particular question that the Church, qua Church, is warranted, indeed obliged, to engage it in the public square? What is the connection, the undeniable nexus, between the distinctiveness of the Church and the distinctiveness of the question at hand? One answer is that a public position of the Church should be derived directly from the clear and authoritative teaching of the Church. A secondary answer is that the Church may be required to speak to a question of justice when it is being ignored by others. With very few exceptions, the positions taken in "Political Responsibility" meet neither of those two tests. For the most part, the document echoes the moderately left-of-center positions of the Democratic Party, which is itself left of center in our political culture. Our criticism would be absolutely unaffected were the document to reflect most of the platform positions of the Republican Party.

The three exceptions we noted clearly meet both tests. The clear and authoritative teaching of the Catholic Church is that it is always and intrinsically wrong to directly intend to terminate innocent human life. The position on abortion and euthanasia inexorably follows; justice requires the protection of both the unborn and those who are likely to become the objects of mercy killing. Although of less moral moment, the issue of school choice meets both tests. The "double taxation" of parents who choose a religious education for their children unjustly burdens the free exercise of religion, and that is clearly a matter that engages the *propria* of the Church. The failure to protect innocent life and the burdening of religious freedom are injustices to which the Church must clearly say No, while resisting the temptation of prescribing just how these injustices are to be remedied.

But others will come forward with their long list of injustices that must be protested: the poor, the street people, the mentally ill, environmental abuse, substandard housing, unemployment, corruption on Wall Street, the absence of peace in the Middle East, and on, and on, and on. In response, it must first be said that to call everything an injustice is to debase our already fragile moral vocabulary and to throw moral discourse into even deeper confusion. The world is a very unsatisfactory place; many people are disadvantaged, neglected, or abused. Sometimes the cause is their own delinquencies, sometimes it is the delinquencies of others, sometimes it is misbegotten and, yes, unjust, social policies. *Always* Christians individually and the churches collectively are called to care. One of the least effective, and usually counterproductive, ways for churches as institutions to care is to take political positions on how such

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problems are to be remedied. Although, admittedly, taking positions is cheaper than directly meeting human needs through what the "peace and justice" enthusiasts derisively call "charity." (Despite the fashionable derision, one may gratefully note that the great bulk of what the churches actually do in response to myriad human needs is charity, or what used to be called the corporal works of mercy.)

The promiscuous position-taking of documents such as "Political Responsibility" is quite unwarranted by any peculiar competence of bishops or church bureaucracies. They frequently claim that they are providing a distinctive measure of moral concern or vision. With respect, that claim is little more than moral boasting, and it is most unbecoming in religious leaders. The positions taken are not directly, or even plausibly, the necessary consequence of clear and authoritative teaching. The issues addressed, far from being ignored or neglected by others, are endlessly debated in legislatures, government bureaucracies, think tanks, universities, and public forums beyond number. Individual Christians who sense that they are called to it should jump into the political fray and the policy debates with gusto. The churches should strongly affirm such exercise of citizenship, without presuming to instruct Christian citizens on the policy specifics of their "political responsibility." And, of course, everybody should refrain from trying to capture the churches' credibility and resources for the promotion of their own clutch of policy preferences.

"Your criticism is hypocritical," writes one reader, "because FIRST THINGS itself advocates specific policies." This is an obvious misunderstanding. FIRST THINGS and other independent publications, as well as individuals and voluntary associations within the churches, may all be as political as they wish or as they deem prudent. None of them can pretend to represent "the Catholic position" or "the Presbyterian position" on public policy options. General assemblies, bureaucracies, and bishops conferences can and do presume to represent the positions of their respective churches. Sometimes they must do that, but only within the limits of the self-denying ordinances and warrants discussed above.

The Catholic Magisterium

On matters of political engagement, the situation is somewhat different for the Catholic Church because of its distinctive understanding of the magisterium, or teaching authority, of the bishops. The college of bishops in union with the Bishop of Rome, and bishops individually, are thought to have a special charism for teaching on matters of "faith and morals." Whether "morals" extends to policy specifics for the remedying of societal ills is, to say the least, uncertain. Whether the charism extends to bureaucracies that presumably serve the bishops—as the USCC is designed to be the practical arm of the National Conference of Catholic Bishops (NCCB)—is yet another question. And, of course, there is much dispute about the "magisterial" status of national bishops conferences, with the Holy See tending to downplay their teaching authority.

It is all very confusing, and the confusion is not relieved by promiscuous pronouncings on matters political. The argument is frequently made that confidence in the magisterium was gravely weakened by the 1968 encyclical on human sexuality, *Humanae Vitae*. Many, if not most, of those who make that argument were and are publicly dissenting and urging dissent from that particular papal exercise of the teaching office. It is not without interest that such dissenters are frequently most enthusiastic about the Church taking official positions on innumerable issues in political dispute. At the same time, Catholics who are most supportive of the magisterium often tend to be most critical of episcopal political propensities. There may be attitudinal, even theological, correlations here that are deserving of closer examination. When the Church speaks with clear magisterial authority on questions undoubtedly within the compass of "faith and morals"—sexual ethics and the meaning of marriage and procreation—the Catholic house divides one way. When the Church (or at least the U.S. bishops conference) pronounces on public policy specifics—welfare reform, medical delivery systems, or armaments strategy, for examples—the Catholic house divides the other way.

Whatever may be the correct doctrine regarding the teaching authority of the bishops conference, in practical fact that authority is at stake in every statement made by the conference. The same is true, of course, of the individual bishop in his diocese. No doubt there are conservatives who would be delighted if individual bishops and the bishops conference were to issue political platforms that tracked the Republican party line. In our judgment, those conservatives are misguided, since such platforms would also exceed the competence of the magisterium and would, therefore, bring the magisterium into discredit. In fact, many liberal Catholics are delighted that individual bishops and the bishops conference generally promote the politics that they favor. This gives them a double advantage. It both gives them the support of the Church's institutional resources for their political causes, and it undermines the credibility of the magisterium, from which they are inclined to dissent in any case. This is at least one way of understanding the correlation between diminished teaching authority and increased politicizing of the Church's life.

Yet another reader raises a final and, she believes, clinching point. "You fail to understand that the bishops and the bureaucrats like the way things

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operate now, and have good reason to like it. They are convinced that it is their job to do exactly what you say they should not do." It is an impressive point. Analyses such as our present discussion may seem like no more than academic exercises. The reality is that there are numerous gifted and intensely sincere people who take statements such as "Political Responsibility" to be a charter for the Church's social mission. In the USCC offices, in programs such as the Campaign for Human Development, and in the widespread networks of social activism, questions such as those we have raised meet with predictable resistance. Frequently, they also meet with incomprehension. How is it possible to explain people who criticize the self-evidently correct politics of those who are sincerely convinced that they are only interested in advancing peace, justice, and the empowerment of the poor? The easiest explanation is that such critics do not care about peace, justice, the empowerment of the poor, and other self-evidently good things.

Change vs. Status Quo

The dismal result is that in the Catholic Church in this country, as in the oldline/sideline Protestant churches, there is almost no real dialogue about the appropriate role of the churches in the political arena. The stalemate is commonly described in terms of the "party of change" vs. the "party of the status quo"—except that the party of change is, for the most part, in control of the institutional status quo. Those who have the jobs, programs, and activist networks that they understandably want to protect and enhance can only view dialogue as threatening. Those on the right, who want to capture the jobs, programs, and networks for their opposing political agenda, also have little interest in dialogue. Thus does the politicizing of the Church proceed apace. Questions about the nature and mission of the Church as it relates to political responsibility are shunted aside as energies are consumed in the contest to capture the Church for partisan advantage. In the contest to control the major institutions of Catholicism in America today, the partisans of the left are winning hands down. But, once again, the situation would not be one whit more encouraging were the advantage to their political opponents.

Robert Wuthnow of Princeton is among the students of American religion who have incisively analyzed the ways in which all the churches are split along a left-right, liberal-conservative divide, mirroring the divides within our general culture. For oldline Protestant denominations this has resulted in decades of dizzying decline as leadership elites, styling themselves as "prophetic," have worked, it seems almost deliberately, to alienate the general membership. Although these churches claim to be "democratically" governed, those in charge effectively orchestrate the assemblies, conventions, and commissions by which decisions are made. While the United Methodists, Presbyterians (USA), Lutherans (ELCA), and others all have "renewal groups" that protest the political captivity of their churches, their efforts seem to amount to little more than that—protest. All the while, these churches, divided and demoralized, continue their numerical and institutional decline.

Parallel Declines

The Catholic Church, presumably, has a very different structure of governance. Pastoral and administrative authority rests with the bishop of the local church, by which is meant the diocese. (In addition, there are parallel, and sometimes opposing, structures of authority represented by the religious orders, the Jesuits being a notable instance of an institution in frequent opposition both to the bishops and to the Pope, the universal bishop.) Ecclesiological theory aside, however, a study of the sociology of religious institutions may indicate that the Catholic Church in America is becoming more and more like its oldline Protestant counterparts. In this connection, the Holy See may from a distance, so to speak, have a better understanding of what is happening to American Catholicism than do many bishops here.

It is at least conceivable that the Catholic Church in America, like the oldline Protestant institutions, could end up being effectively controlled by its knowledge class bureaucracy, with the chief difference being that the Protestants continue to pretend to be governed democratically while the Catholics would continue to pretend to be governed episcopally. A complicating factor is that some bishops who are most concerned about this development will keep their distance from the national bureaucracy, thus assuring that the relevant institutions will be left in the hands of those who either favor or do not understand what is happening. One can sympathize with bishops who keep their distance from the infightings of the Washington apparatus of, for instance, the USCC. They have more than enough to do at home, they have battles to wage on other fronts, and they rightly fear being drawn into the maw of endless committees and rivalries by which entire lives and ministries are consumed and spewed up on the waste heap of spiritual passion reduced to bureaucratic process.

If we limit ourselves to the sociological analysis, the outlook for American Catholicism, as for oldline Protestantism, is very grim. Process-driven institutions will follow the dictates of committees meeting, of committees spawning subcommittees and committees to coordinate committees, of constituencies being appeased, of deals being cut, of truths being compromised, and of truth being ruled

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out of order. Among the results will be more pronouncements such as "Political Responsibility," it having been schemed, moved, seconded, and passed that a political platform is to be issued in election years, whether anybody wants it or not, whether the USCC has anything to say that needs saying or not. There are, after all, all these committees, offices, and lobbies that need "official policy guidance." The Catholic people and politicians are not asking for political platforms from the bishops. The only institution that needs them is the institution that produces them. The process is, in sum, self-generating and self-serving.

Church political statements—given the knowledge class "experts" in effective charge—will almost always be blandly leftist in character. They will, predictably, be cheered by those who agree, denounced by those who disagree (because they "go too far," or "don't go far enough"), and ignored by everybody else, which is just about everybody. They will be ignored in particular by politicians and politically engaged citizens who believe, with justice, that the bishops do not have much to teach them about political wisdom, and who conclude, again with justice, that the Catholic Church, like other churches, is just another partisan interest group. Thus will the idea that Christianity has something to teach about how we ought to order our life together be further discredited, and thus will the public square be increasingly naked of religiously informed moral deliberation.

That is the doleful prospect if we limit ourselves solely to institutional dynamics. Christians are trained, however, to resist all determinisms, including those suggested by the sociology of institutions. The continued abuse and debasement of Christian social witness is not inevitable. Communities of faith are not bereft of the Spirit, and therefore of the possibility of renewal through the efforts of men and women who dare to act in the hope that the Church can contribute more to our public life than merely another interest group.

FT

WHY COMMUNISM COLLAPSED

The National Interest is a very important foreign policy journal, and Owen Harries its very able editor. But nobody's perfect. Well, almost nobody. In that other excellent journal, *Commentary,* Harries published "The Cold War and the Intellectuals." Among those responding in the letters column is Franky Schaeffer, who points out that Harries rather thoroughly ignored religion as a potent factor in the collapse of Communism. In answer, Harries allows that there was a strengthening of religious faith in the Soviet Union as conditions deteriorated. But then this stunning assertion: "For what it is worth, I believe that the 'engines that drive history' are various, and their relative importance changes with time and circumstances. Religion has been enormously important in some periods, but not, outside the Middle East, in the twentieth century." Really?

Our reaction is shaped in part by having just finished reading the manuscript of *The Final Revolution,* a marvelous book by our colleague George Weigel that will be published later this year by Oxford University Press. What the book makes conclusively clear is that the people who actually participated in the collapse of Communism—the leaders of the democratic forces who brought about the Revolution of 1989—have no doubt that it was above all a revolution of the spirit (and of the Spirit). Religious and secular folk, Protestant and Catholic, almost all say, in various ways, that it all began with the election of a Polish pope on October 16, 1978. The unraveling of the Communist tyranny began in Poland, and it began with John Paul II's first and triumphant visit in 1979. Again and again, those who were involved in the day-by-day struggle express amazement that intellectuals and journalists in the West have missed this most obvious fact about the end of Communism. This is a point that has been made repeatedly by, among others, James Billington, eminent Russia scholar and Librarian of Congress, with little evident effect on commentators in this country.

Of course secularists can say that the key actors from Vaclav Havel to Lech Walensa deceive themselves when they think that spiritual, moral, and religious dynamics were the "engine" that drove the revolution. Religion, in this view, is simply the epiphenomenon disguising the "real" forces at work—economic, military, politico-structural, etc. etc. Such deterministic reductionism (dressed up as realism) has long since become intellectually tiresome. And, not incidentally, it represents precisely the way of thinking that marked the orthodoxies of the tyrannies now, thank God, overthrown.

The subject of the *Commentary* article was the collapse of Communism, but we fear Mr. Harries' secularist obiter dictum fares no better when applied to innumerable other instances of great historical change. Religion is not a factor, even an enormously important factor, in India, South Africa, Indonesia, the Philippines, Nigeria? One could go on and on. Then there is the way in which Americans determine their own national interest—from manifest destiny, to Woodrow Wilson's crusade for democracy, to the delegitimation of America's war in Vietnam, to the debate over just war and the Gulf War. G. K. Chesterton (whom Harries quotes to different effect)

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was right sixty years ago and is right now: "America is a nation with the soul of a church." Of course "the engines that drive history" are legion. To say no more than that a subject is complex is the final simplism.

No doubt many factors contributed to the collapse of Communism. The Gorbachev factor, the Reagan factor, the Strategic Defense Initiative factor, the economic factor (although, on the last, Boris Yeltsin, among others, has noted that the system could have lumbered along for another ten years or more). But, as John Paul, Havel, and others said at the beginning of the revolution and say now, it was above all a matter of people discerning the possibility and moral imperative of "living in truth" and "calling good and evil by name." The "velvet revolution" was preeminently a revolution of the spirit, and of the Spirit. To miss the significance of that at this, the end of the twentieth century, is to lose one's grip on a realistic appreciation of affairs both domestic and foreign.

FT

Lutherans on the Rocks

The entire world knows, or at least the entire world that has reason to take notice knows, that the Evangelical Lutheran Church in America (ELCA) got off to a rocky start. The late 1980s merger of the old American Lutheran Church (ALC), Lutheran Church in America (LCA), and Association of Evangelical Lutheran Churches (AELC, a much smaller body that broke earlier with the Lutheran Church—Missouri Synod) resulted in an organization of 5.3 million members that has been producing red ink, membership losses, and general demoralization since its start. The Rev. Edgar Trexler thinks he knows some of the reasons why.

Trexler is editor of *The Lutheran*, the ELCA's official publication that, with over 500,000 subscriptions, is the largest-circulation religious magazine in the country. In a new book, *Anatomy of a Merger*, Trexler fingers the obsession with "the new" in the merger process, an obsession that was expressed in the imposition of a quota system for church offices. The experience with quotas in the ELCA tracks much of the dispute over quotas and "affirmative active" in the society at large. A quota system that specified that a certain percentage of positions had to go to designated groups, such as women and certified minorities, resulted in a skewing of leadership dynamics and undermined popular confidence.

When "inclusiveness" became the highest priority, many leaders (white, male, middle-age) whom people had trusted were shunted aside, and the merits of those who attained office (because they fit the quota slots) came under the shadow of suspicion. As a consequence, writes Trexler, there was a loss of communal memory, cohesion, and loyalty. In 1991, after bouncing against the rocks for three years, the ELCA did some modest restructuring (but not touching the quota system), and in an epilogue Trexler bravely ends on the note that maybe the boat is being turned in a more promising direction.

Also among the Lutherans, the Rev. James Siefkes, an executive with the former ALC, recently revealed that in that body there was a pattern of slipping denominational monies to various "gadfly" groups that were trying to push the church on controversial issues, such as pacifism, feminism, and homosexuality. He arranged, he says, for the ALC to contract with such "edge of the church" ministries to serve as "probers," making it possible for them to pay staff salaries and travel expenses. At one time the ALC was funding forty of these "probers," and the pattern was continued in the ELCA under the code name "mission discovery," until the ELCA ran out of money.

The end of such back-door funding, says Siefkes, was signaled last April by ELCA secretary Lowell Almen, who told the Church Council: "The candy store of the churchwide organization must now close. The time has ended when every interest group, every caucus, every concern, every emphasis, every self-proclaimed representative body, every good intention, every noble effort, every great program could demand and get whatever it wanted, as if there were no limits. The dreadful moment of necessary and radical surgery is upon us."

The practice of informal and sometimes covert funding of "controversial" causes is long-standing in some denominations, and was also common in the National Council of Churches. Frequently the funding is not direct but is through "seconding" staff from official programs, supplying office space and other in-kind help, and "piggybacking" on meetings and travel expenses. Usually the arrangements were such that the responsible officials had, as they say in the intelligence community, "deniability." The "gadfly" groups could advance favored agendas that denominational officials thought it impolitic to promote in their official capacities, and if the groups got too outrageous the officials could always cut their informal ties, declaring that the groups had "gone too far."

Not surprisingly, doing such end runs around denominational structures of accountability did little to instill general confidence in church leadership. The pattern described (approvingly) by Siefkes was by no means limited to Lutherans, but it, too, no doubt contributed to the distrust and demoralization

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that Trexler analyzes in *Anatomy of a Merger.* As it turns out, financial crunches may be hard on candy stores but, at least sometimes, good for churches.

FT

THE WISDOM OF MARION MONTGOMERY

We can probably assume that most of our readers do not subscribe to the *Tamkang Journal of American Studies,* published in Taiwan, and that they therefore missed a fine interview with Marion Montgomery. He is the author of determinedly "Southern" works such as *Why Flannery O'Connor Stayed at Home* and *Possum and other Receits for the Recovery of "Southern" Being,* all of which are recommended reading. He is also generally described as a "traditionalist" conservative—one of the tribe sometimes called paleoconservative. Whatever the label, he is a repository of wisdom.

The interviewer asks whether Marxists, libertarians, and traditionalists don't finally have to depend upon recourse to history in order to establish some kind of "authority" in their arguments. Montgomery: "I suppose I would say to such a question that the solution each intends to advance is out of a principle initially accepted by faith. *Advanced* insofar as one's reason can advance it. That is why I find Aquinas and Voegelin so encouraging. Each understands that faith is the point of departure. What is necessary to reason's support, I would hold, is a metaphysics. Our intellectuals—most of them—are too content with their faith in a physics baldly taken on faith. That faith has truncated history to arrive at an immediate authority justified as if by all history. But unless one can find some purpose to human existence beyond the merely socio-political, one becomes lost amid ideologies, each of which justifies itself by man's finite intellect in its selectivity from complex reality. Man as an autonomous creature, an accident of time and 'natural' forces, has no choice but to select from man's history to justify social and political authority. That may mean rejecting the medieval world—the 'Dark Ages'—or embracing the medieval world as if that were our most recent Eden. Nominalism poisoned our intellectual life, whether one takes himself to be of the left or right, insofar as one justifies order merely in terms of history or these mechanisms collectively referred to as 'nature.' What Nominalism called in question is the universal, those principles and causes larger than the mechanism of nature or ideas generated out of nature seen as mechanistic by man. The 'traditionalist,' unless he can ground his position more firmly than in a history or a nature so taken, hasn't moved very far toward the mystery of his own existence, toward discovering a Mystery engulfing the limits of his ordering mind."

Being an artist, Montgomery has given some serious thought to love. Although he does not mention by name Anders Nygren, the Swedish theologian, he clearly disputes Nygren's driving of a sharp wedge between *eros* and *agape*: "I remember, for instance, my delight in discovering this recognition that *eros* opens upon *agape* in Homer. In the *Odyssey* there is a marvelous moment where Odysseus is pulled toward *eros,* tempted by a beautiful young princess who wants him. He remembers Penelope, and wishes for the young Princess such a happy union as his and Penelope's has been. (He isn't always so circumspect in his actions.) He speaks of the good marriage, of how fortunate that man and wife who are like-minded in their own house, a home maintained by their enlarging love which gives comfort to their friends and disquiet to their enemies. But, he adds, none know that love's fullness so well as that man and wife. Theirs is a knowledge beyond the signs of knowledge—beyond words. Even so Odysseus does a pretty good job of celebrating it with words. Words are what we have to start with, once we discover ourselves to have experienced being, existence. They are not what we end with—unless we conclude ourselves only a residue of history. Sometimes they seem most feeble as they try to speak beyond our finitude, try to comprehend in its more literal sense—words like *well* as in 'All manner of things shall be well.' Or simply put, *yes.* The best is silence, though a silence not *below* words but *beyond* words—as I keep trying to say." As Marion Montgomery well knows, there are some things, the more we try to say them, the more we know that they cannot be said.

FT

WHILE WE'RE AT IT

■ We see Pat Robertson is back at it again. In 1987 this writer was interviewed on one of his shows. Afterwards we chatted with Robertson, who had not yet announced his presidential candidacy. We asked if it was true that he was thinking about running for President. "No," he responded, "I'm praying about it." We wish we had had the wit to ask whether he always prayed without thinking. In fact, Robertson has been doing a lot of both and has now come up with the Christian Coalition, which aims to become the leading organization of the Christian right.

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Americans United for Separation of Church and State is, as you might expect, on the case. Its magazine, *Church & State*, sneaked a reporter into a meeting of the Christian Coalition and reports that these "native fascists" are up to all kinds of sneaky things. The Coalition does phone surveys to "target" favorable voters, enlists the support of such suspect characters as Jesse Helms and Dan Quayle, and even does mass mailings of voter guides "which are usually biased comparisons of candidate views or records." Well, we never. The gravamen of the Americans United report is that the IRS should look into Robertson's tax exemption. Not only is he mixing politics and religion, his organization also "discriminates in hiring on the basis of religion." One sleeps better knowing that Americans United is on the case.

■ Some significant progress has been made on "equal access" in public schools. That is to say, high schools that had allowed students to promote Marxist liberationism, gay rights, and goddess worship must now allow other students, if they are so inclined, to promote their Christian convictions. Americans United is, of course, on this case too. *Church & State* expresses support for a student who complains, "A group of students go around the school and approach you and say you're going to burn in hell. I feel it's wrong." Apparently it would be alright if they said that you're not going to burn in hell; even better if they said there is no hell; best yet if they didn't mention the subject. Now it's not nice being told that you're going to burn in hell, and no doubt a lot less nice to burn in hell. One response to people who have rather doleful views on your eternal destination is to tell them that you think they're wrong, and explain why. It is called, if we remember correctly, free speech.

■ How can one issue of a magazine be so rich? Here is *Church & State* again, this time on those dreadful Catholic bishops. It cites a report claiming that the bishops are dangerously effective in opposing government funding of birth control. It seems that the bishops do their devious work through the U.S. Catholic Conference. That's not all. The U.S. Catholic Conference and its "immense resources . . . exist solely for the U.S. bishops. The staff works not for the Catholic people, but for the bishops. The decisions on spending and lobbying priorities and the opinions that emanate from these offices are not those of the 55 million American Catholics, but those of the 300 bishops." It probably won't comfort Americans United, but we know a bishop or two who think that the staff of the U.S. Catholic Conference is chiefly accountable to itself.

■ New on the scene is *Diversity: A Critical Journal of Race and Culture*. Volume one, number two, has some fine material on black churches—why they are failing to hold their own, and what might be done about it. Everyone talks about the stale line of the superannuated civil rights leadership, but *Diversity* supplies a real alternative. In thinking about race and the American experience, the increasing influence of this new publication can only contribute to, well, diversity. For more information, write the Madison Center for Educational Affairs, 1112 16th Street, NW, Suite 520, Washington, D.C. 20036.

Another excellent source of fresh thinking about matters racial in America is *Issues & Views*. It bills itself as "an open forum on issues affecting the black community," and it certainly is that. Although we would add that, since the black community is at the heart of the historic travails of the American experiment, they are issues that affect us all. For more information on *Issues & Views*, write P.O. Box 467, New York, NY 10025.

■ Readers know how preoccupied this journal is with questions of culture. Having set forth the proposition that our society is embroiled in a *Kulturkampf*, we try to relentlessly follow up on every new wrinkle in the culture wars. So we were naturally interested in a new book by the director of the Center for Literary and Cultural Studies at Harvard University. She is Marjorie Garber and the book is *Vested Interests: Cross-Dressing and Cultural Anxiety*. Her thesis is that "there can be no culture without the transvestite, because the transvestite marks the entry into the Symbolic." With an extensive tour of the byways and bentways of history, Ms. Garber seeks to demonstrate that the great contributions to culture are made by those who produce "category crisis." Those who, like transvestites, defy conventional categories are the true creators of culture because they force creative responses from others. The author's putatively pathbreaking work has landed her in the conventional category of countercultural academics who exhibit their arrested adolescence by sustained scholarly devotion to the iconoclast and criminal. Their lives are defined by rebellion against the "parent" of bourgeois society. Creating "cultural anxiety"—i.e., giving ordinary folk the heebie-jeebies—is the mark of the extraordinarily gifted. In this enlightened view, the mugger, far from being anti-social, blesses us all with a "category crisis," creatively disrupting our expectation that old ladies will be treated gently. The list of the true creators of Western culture can, by this criterion, be readily extended. Michiko Kakutani of the *New York Times* calls the book "a provocative piece of cultural criticism." Those who missed adolescence, or enjoy revisiting its sensibilities, will possibly be provoked. More sensible people might be bemused, wondering once again why parents put out $25,000 per year to send a kid to Harvard in order to be instructed by the likes of Marjorie Garber.

■ So why do you mention the *Times* so often? a reader asks. Because, in the nature of things, we have

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to read it every day—the nature of things being that, by almost universal admission, the *New York Times* is the single most influential communications medium in the world. Poor world. In the last eight years or so, under the executive editorship of Max Frankel, the *Times* has been going steadily downhill. With notable exceptions, what were once called "journalistic standards" no longer apply to news reporting. Linda Greenhouse routinely inserts into her "reporting" on the Supreme Court extended editorials against the Court's threat to the "constitutional right" to unlimited abortion and her other favored causes. Andrew Rosenthal has a front-page story on President Bush's message to a pro-life demonstration in Washington. Bush cited Jefferson to the effect that all human beings are created equal. At which point Rosenthal inserts, "In fact, abortion was well known in Jefferson's day, and was legal." Editorial corrections of the President, or anyone else for that matter, are now standard in the *Times'* news columns. (In fact, of course, Rosenthal is dead wrong in suggesting that abortion was more or less accepted in Jefferson's day. On historical mendacities about abortion, see Gerard V. Bradley, "Academic Integrity Betrayed," FIRST THINGS, August/September 1990.) But if the news reporting has become carelessly tendentious, it is on the editorial page that the silly season has been in fullest swing. We have noted more than once the Mothers Day editorial suggesting that the patriarchal gods of Judaism and Christianity should be replaced by worship of the Great Mother, Gaia. Then there was the editorial proposing that, if you had to choose between being operated on by a HIV-infected surgeon or one not so infected, you should elect the infected surgeon because there is little chance of catching anything. It would also, one supposes, be a bold statement against homophobia. More recently, an editorial worked itself into a froth of enthusiasm for the social contribution of comic books. It seems that Marvel Comics has a hero named Northstar who reveals that he is homosexual and proceeds to adopt an AIDS-infected baby. The editors opine: "Mainstream culture will one day make its peace with gay Americans. When that time comes, Northstar's revelation will be seen for what it is: a welcome indicator of social change." The *Times* rather sniffily makes a point of the fact that it does not carry the comics. Those who read it regularly, and especially those who read the editorial page, know better.

■ A reporter for *The Tablet* (London) writes from Moscow that "the Orthodox Church . . . has now emerged as, in all but name, the established ideology of the new Russian state." Diplomats and politicians make a point of being at church on Sundays, the long-disused Kremlin chapels are crowded, and it has become a standard feature of political life that meetings open with prayer. Of course there are those awful economic problems, but at least one factory that used to produce heavy artillery for the military has easily converted to civilian purposes. Its order book is full to the end of the decade and beyond. Its casting facilities now produce an item in heavy demand but, for the last seventy years, in very short supply—church bells.

■ We are told that there is still considerable interest in what Hans Küng is saying, although when he lost his Catholic theological faculties some years ago he lost the cachet of being the test case for how much dissent (some would say defiance) Rome would tolerate. In any event, we see he made this speech in Barcelona condemning the "new Inquisition" of this papacy. "I ask myself," Küng asked himself aloud, "when will the Church find a Yeltsin to protest against the spiritual dictatorship which Rome has become?" To his credit, Küng wants a Yeltsin. In the week we read his remarks, we also came across two columns by very progressive Catholic theologians in this country. They both wondered when the Church would find its Gorbachev who would overthrow the alleged tyranny of John Paul II and Joseph Cardinal Ratzinger. Presumably the hero for whom they yearn would do for the Church what Gorbachev did for the Soviet Union. Many readers will remember Gorbachev, and the Soviet Union.

■ There is something to be said for plain speaking. In Pennsylvania this past year the teachers unions reportedly spent two million dollars to agitate against a proposal for vouchers that would permit children to attend schools of choice. The Roman Catholic bishops of the state supported the measure. Union leader Jack Grier, a major voice for maintaining the educational status quo, publicly declared, "If the Catholic Church were to cease to exist and disappear today, it would be better for all of us." Some might call that plain speaking. There are more accurate terms for it.

■ The Rev. Samuel Atchison, an Assemblies of God minister, ran a gospel-based program in Trenton, New Jersey, aimed at rehabilitating homeless black men. Writing in the *Christian Century*, he recounts his frequent embarrassment in having to appeal to white churches for funding while the black churches closer to hand did nothing to help. He draws some lessons that, he readily admits, are not too different from those being advanced by black conservatives whom the liberal establishment likes to dismiss as "house niggers." Atchison writes: "Having cast aspersions at government and business, we blacks have often failed to accept responsibility for what happens in our own community. Why isn't the wealth of the black middle class—among whom are some of our most vocal leaders—being used to serve our poorest brothers and sisters? Why do we depend on federal funding—with all the red tape that is involved—when we have within our own community the resources and the expertise to develop many of

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the programs we need? If the white man is our enemy, as so many are fond of saying, why do we continue to appeal for his help?

"The issue is not whether blacks should take advantage of federal grants and loans. Rather, the issue is one of hypocrisy. The Not-in-My-Backyard attitude often seen among whites is often expressed as a Not-with-My-Money attitude in the black community. This is especially true of the black church, where many have forgotten that it is in serving the least of our Lord's brethren that we serve him." Of course, racism still exists, says Atchison. But he suggests that blacks have chiefly succeeded in deceiving themselves by attributing everything to their victimization. "No, the issue is not whether racism still exists. The point is that we blacks should be required to give as much help to each other as we expect to receive from others. While this fact may appear obvious to some, my experience as a black minister serving the poor of our community suggests that it cannot go without saying."

■ In its twenty years of existence, the Campaign for Human Development (CHD) has raised from Catholic parishes nearly $150 million for sundry programs aimed at helping the poor. While that is, of course, a lot of money, in terms of annual support it would seem to average out to about 17¢ per Catholic in the U.S., which may reflect the measured enthusiasm of clergy and people for CHD. In the January issue, we reported on a critique of CHD issued by the Capital Research Center (CRC) in Washington, D.C. Bishop Joseph A. Fiorenza of Galveston-Houston, who is chairman of the bishops committee on CHD, was not at all happy with the criticism and our drawing attention to it. Against the specific points raised by CRC, the Bishop issued a statement condemning the "unfounded and baseless attack on CHD." He also notes that the CRC interpretation of Pope John Paul II's encyclical *Centesimus Annus* is "superficial, questionable, and self-serving." The CRC viewpoint, he declares, "is out of synch with the Bishops, the lived experience of the people of God, and the Holy Father." (He cites the fact that the Pope gave CHD a blessing.) More specifically, he notes that it is wrong to say that CHD does not envision "a positive role for business and the marketplace," and he points to a number of instances in which CHD projects have "followed the pattern of getting the business community involved." Also, "Some CHD grantees have benefitted from the advice and counsel of corporate executives." Moreover, Bishop Fiorenza quotes the executive director of CHD, who speaks very highly of the program. Those interested in obtaining the full statement may write the Bishop at 1700 San Jacinto, P.O. Box 907, Houston, TX 77001.

■ An upstate New York police chief tried the other week to suggest that obscenity laws might be enforceable. He notified some music stores that they run a risk of prosecution if they sell that rap junk promoting sodomy, rape, child abuse, and the "snuffing" of sex partners. Under pressure from the ACLU the chief backed down and withdrew his threat. "We can't give censorship even one inch," said the ACLU personoid. There was a flurry of press attention to the issue. A prosecuting attorney in New York City was quoted as having said several years ago, "By community standards, nothing is obscene in New York." Actually, a popular referendum would likely falsify that claim, but in fact there has not been an obscenity prosecution in the city for years. The folks at Morality in Media assert, "Obscenity laws are not unenforceable, they're just unenforced." But, if you think the cultural situation in New York City is grim, you're right. Except now New York is everywhere, at least everywhere there is a porno shop or a television set, it being increasingly difficult to distinguish between the two. We are always being advised that it is better to light a candle than to curse the darkness. Our view is that it's not an either/or proposition.

■ For more than four decades there has been an astonishing scholarly and popular interest in the Dead Sea Scrolls. Writing in the February *Commentary,* Robert Alter suggests it has to do with our search for a kind of "time capsule" that will wondrously reveal the secret of our origins, how we came to be the way we are. He thinks that expectations are greatly exaggerated. Alter writes: "By the time the sectarians fled their Dead Sea dwelling in 68 C.E., the early Christians (chiefly Paul) and the early rabbis had already taken decisive steps toward creating supple new systems of belief and religious practice out of the texts and ideas of the Hebrew Bible—on the one hand, a bold synthesis of monotheism with the mythic power of the mystery cults and a translation of theological universalism into a universalism of religious constituency; on the other hand, a refashioning of biblical doctrine as an intricate and developing system of law, based in learning, and, at least in principle, accessible to all Jews.

"Against these achievements, whose power is still palpably projected from that turbulent era to ours, the writings of the Qumran sectarians seem narrow and rigid and shrill. They withdrew from the teeming city to a rock-strewn desert, hearkening to the voice of their master and awaiting the destruction of their enemies. The air they breathed was an atmosphere of hypnotic words that insulated them from the changing winds of history. The texts they left behind will continue to be intriguing objects of scrutiny but can offer scant sustenance for us who live in the unfolding movement of historical time."

■ Mystery writer P. D. James writes in *The Spectator* (London) that she will continue to address

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God as "Father," and has never had any problems with thinking of Him as masculine in any exclusive sense. Then she adds: "But what about the devil? Is he, too, to be neutered? At the risk of gross sexism, I prefer to think of him as male. A female devil is no doubt quite as capable as Satan of going to and fro in the earth and of walking up and down on it to our general discomfort, but somehow to me she lacks credibility." While Ms. James is at it, she reflects on things that she misses in contemporary British life. "A more important pleasure I miss is visiting churches, particularly in the country. Invariably, because of vandals, they are now locked. I have been told of a country vicar who has placed a notice on his church door in French explaining where the key can be found and asking visitors to replace it after re-locking the church. He will no doubt be criticized for elitism, and the assumption that no one who can understand French can possibly be a vandal is open to question. However, I understand that it works." Dare we suggest that here, given the state of American education, one might achieve the same effect by leaving a note in any language?

■ Being rich in a hungry world is a great guilt inducer. Jeffrey Wentling of Acton, Mass., notes an oddity about the usual literature on the problems associated with our sinful opulence. "My own view is that restricting the size of one's family for the reasons that most Christians [give] is one of the most profound expressions of materialism I can think of." They say they "cannot afford" more children and, simultaneously, worry about their affluent lifestyle. "My own experience," writes Wentling, "is that, if you're truly concerned that your lifestyle is too opulent, a simple and biblical remedy is to have more children. That'll take care of it!" Clearly, another one of those awful conservative simplisms.

■ Day care centers for sick children was a big new idea in the late 1980s. It appears the idea is flopping rather spectacularly. "But growth in sick-child care has been slow," says a story in the *Wall Street Journal*, "partly because of *prejudice* among parents and employers against taking ailing youngsters away from home" (emphasis added). In fact, as the story makes clear, not only is growth slow; underutilized centers are in trouble or closing all around the country. Says Kim Smith, director of "Sniffles," a sick-child center in Lincoln, Nebraska, that is teetering on the edge, "We have a new frontier in child care here." It seems that sick children, for some irrational reason, think they should be near their parents, and the parents tend to agree. The war against prejudice never ends.

■ A mite "peevish." That's the word one reader used to describe our comment on PBS's ubiquitous Bill Moyers. We wrote back saying that he was probably right and we would try to restrain ourselves in the future. Here, without comment, are Mr. Moyers' concluding remarks on his recent PBS special *Minimum Wages:* "Today, making it in America means more family members working longer hours for less pay and fewer benefits. If the trend continues, it will change radically America's work force and America's future. Economic progress will come to fewer and fewer of us, the divisions among us will grow, and millions will find that poverty and a paycheck go hand in hand."

■ Liechtenstein is a delightful place to be in July, we are assured. Scheduled is a four-week seminar on "The Free Society and Centesimus Annus," and ten fellowships for Americans are available. Applicants must be graduate students or entering their senior year of college. The faculty includes Michael Novak, Rocco Buttiglione, George Weigel, and this writer. *The application deadline is April 1.* Send curriculum vitae and writing sample to American Enterprise Institute, 1150 Seventeenth Street, NW, Washington D.C. 20036, Attention: Derek Cross.

■ The Pope spoke to some Spanish bishops making their *ad limina* visit to Rome. He said that Western Europe and Spain in particular had not done enough to defend the unborn and, more generally, to resist the tide of "consumerism" and "neo-paganism." The Spanish government was outraged. "It is almost an insult," said the education minister, Javier Solana. Another cabinet member, Virgilio Zapatero, went further. "The government of a country with no official religion," he said, "must act as though God did not exist." The report does not say whether Sr. Zapatero is a member of the Spanish Civil Liberties Union.

Sources: Owen Harries on "The Cold War & the Intellectuals" in *Commentary*, October 1991; Franky Schaeffer letter and Harries reply in the February 1992 issue. On the ELCA, *Lutheran World Information*, March 1992. Marion Montgomery interview in *Tamkang Journal of American Studies*, Summer 1990. On Pat Robertson, *Church & State*, January 1992. On students preaching hellfire and damnation, *Church & State*, January 1992. On the Catholic bishops, *Church & State*, January 1992. Review of Marjorie Garber's *Vested Interests* and discussion of gay comic book heroes in *New York Times*, January 24, 1992. On the new status of the Russian Orthodox Church, *The Tablet*, 31 August 1991. Hans Küng remarks reported in *The Tablet*, 26 October 1991. Anti-Catholic remark by teachers union leader reported in the Family Research Council's newsletter, *Washington Watch*, January 1992. Samuel Atchison on black self-help in *Christian Century*, January 1-8, 1992. P. D. James' observations in *The Spectator*, 16 November 1991. On day care centers for sick children, *Wall Street Journal*, January 20, 1992. On the Pope and the Spanish government, *The Tablet*, 12 October 1991.

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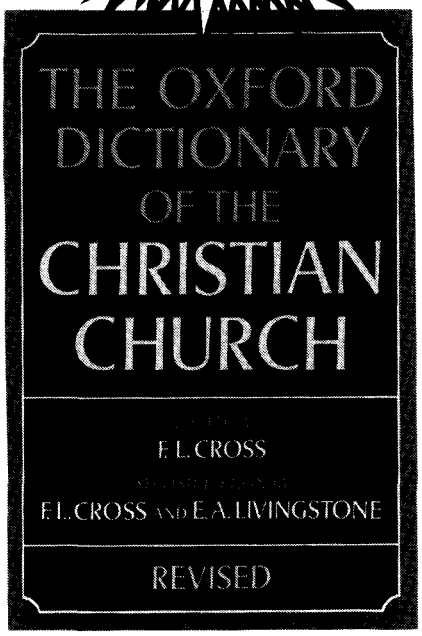

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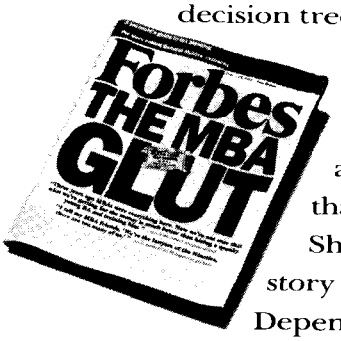

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